

North Dakota Essential Caregiver Protocols

Developed by the Essential Caregiver Workgroup – completed August 2021

Purpose and Definitions:

Provide guidance and protocols allowing designation of essential caregivers in long-term care facilities in North Dakota, as required in ND Century Code 50-10.3.

“Long-term care facility” means a skilled nursing facility, basic care facility, or a swing-bed hospital approved to furnish long-term care services.

The “Department” means the North Dakota Department of Human Services. The guidance will be posted, managed, and updated by the Ombudsman and located on that website.

“Essential caregiver” means an individual identified by a resident of a long-term care facility or by the resident’s designated decisionmaker to provide in-person physical, spiritual, or emotional support to the resident.

Basic protocols for Essential Caregiver access to long-term care facilities:

- Resident or resident’s representative may designate one or two individuals to act as the resident’s essential caregivers.
- Each facility will determine their policy and procedure to record and update or replace the resident’s essential caregiver request based on their facility-specific workflow. This may occur upon admission and be reviewed quarterly, or annually as other documents are reviewed and updated.
- The role of the essential caregiver may be different for every resident.
- The essential caregiver must be able and willing to provide regular in-person physical, spiritual, or emotional support to a resident of a long-term care facility.
- The essential caregiver must be able and willing to follow all safety requirements established by the facility and/or federal or state agencies such as the Centers for Medicare and Medicaid Services (CMS) or the Centers for Disease Control and Prevention (CDC). The safety requirements established by the facility shall be related to a reasonable clinical or safety cause.

- In the event an essential caregiver violates the established protocols or safety measures, the access of that essential caregiver may be suspended. At that time, the resident may designate a replacement caregiver.
- The facility may develop additional safety requirements for essential caregiver visitation.
- The facility should facilitate individualized essential caregiver visits to meet the resident needs.
- If a facility is open to visitation, the essential caregiver would have visitation privileges the same as all other visitors.

Additional essential caregiver protocols if there is a state or federal declaration of disaster or emergency:

- If the declaration of disaster or emergency results in restricted access to a long-term care facility, the department shall review and update the additional protocols every 30 days during the period of restriction, including an assessment of the need for continuation of the restrictions for the essential caregiver.
- In addition to the essential caregiver basic protocols, additional safety measures may be applied depending on the nature of the emergency. This may include, however not be limited to, restrictions on travel, testing for communicable diseases, and applicable safety equipment as deemed appropriate by the CDC or other reasonable clinical or safety cause.
- If the essential caregiver will be providing in person physical, spiritual, or emotional care and support that is different than what a visitor provides, the facility may request the essential caregiver to follow the same requirements as their staff who provide care to the residents. This may include vaccinations, testing, personal protective equipment (PPE) utilization or other methods to prevent spread of communicable diseases, as indicated by the type of emergency or disaster.
- The facility may require the essential caregiver to undergo a brief training if the essential caregiver is providing any cares to the resident, such as feeding, transfers or other activities of daily living to ensure safety is maintained.

- The facility will provide the necessary education for the PPE or other safety equipment required for the respective emergency. The facility will provide the recommended PPE and or other safety equipment to the essential caregiver.

These protocols and guidelines do not supersede federal authority regarding long-term care facilities. CMS or CDC may provide specific guidance to long term-care facilities as it relates to visitors or essential caregivers.