



MEMO

To: SLCR Staff
From: Shelly Williamson, SLCR Administrator
Date: July 24, 2018
Re: Private Caregivers in LTC

Recently, the Section for Long Term Care Regulation (SLCR) has received several questions related to private caregivers in long term care facilities. “Private caregivers” is a term used to refer to individuals, hired by a resident or their family, to provide direct care and/or companion services for a resident. They are not an employee of the facility.

Regulations do not prohibit residents and family from hiring private caregivers. A facility may, through its policies and procedures, allow or prohibit their use. If a facility allows residents and/or family to hire private caregivers, the facility is still responsible to provide care and services, including protective oversight, as identified through resident assessment, physician orders, and as required through the regulations. A facility cannot fail to fulfill their responsibility by delegating the responsibility to the private caregiver. If private caregivers are used, the facility must, at a minimum:

- make an inquiry to the department to determine whether the person is listed on the employee disqualification list (EDL) as provided in section 192.2490, RSMo, prior to allowing the private caregiver to have contact or provide care and services;
- ensure the private caregiver is appropriately trained and qualified to perform the care and services they are providing;
- develop and implement a system for monitoring the care and services provided, to ensure they are appropriate;
- ensure residents, family and the caregiver are aware of any facility policies and procedures related to the use of a private caregiver, including reporting of abuse and neglect.

Facilities may, through their own policies and procedures, require tuberculosis testing, criminal background screenings, and registry/license verification for private caregivers, even though not required by law or regulation.

Care and services provided by a private caregiver are *in addition* to the basic care and services the facility is responsible for providing as identified by resident assessment, physician orders, and as required through the regulations, *not in lieu of*. If a resident chooses, as part of the assessment and care planning process, to have a private caregiver provide direct care and services, the facility’s system for monitoring the provision of care should be outlined in the plan of care. Facilities must educate staff on their role and responsibility for monitoring the provision of care.

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A facility may not rely on private caregivers in the event of an emergency. Private caregivers are NOT included in the required staffing ratios. The facility must ensure they have sufficient trained and qualified staff to provide care and services to all residents.

A facility may not require a resident or family member to hire a private caregiver in order to be admitted or to prevent discharge from the facility.