

295.2080 – Essential Support Persons

This rule will link us to other rules included in statute. [295.2080](#) relates to the Essential Support Persons Act. The assisted living must comply with the Essential Support Person Act and in the event that there are conflicts between that acts and the activities of daily living provisions in the Assisted Living Act, the Assisted Living Act shall control.

What does the Essential Support Persons Act include?

[Title 77 Part 50 includes the Essential Support Person Act](#) which was effective on August 1, 2024. The Act allows that the resident or their representative may designate a primary and a secondary essential support person who shall have access to the resident despite general visitation restrictions imposed on other visitors, provided that the primary or secondary person complies with the requirements to protect the health, safety, and well-being of residents. (You may recall that this is based on the COVID-19 pandemic when all visitors were restricted from entering the nursing home.) Essential support includes, but is not limited to assistance with activities of daily living; and physical, emotional, psychological, and socialization support for the resident.

The assisted living program must explain to the resident or their representative what the primary and secondary essential support people are. If the resident is near the end of life, the primary or secondary essential support person must have unrestricted access to the resident. For context the definitions included in the Act include:

Primary essential support person – a person designated by a resident, or their representative who has access to the resident in accordance with rules set by the Department to provide essential support according to the resident’s person-centered care plan.

Secondary essential support person – a person designated by the resident or their representative to serve as a backup to a primary essential support person.

This Act serves as a statewide policy for visitation when the Governor issues a proclamation under Section 7 of the Illinois Emergency Management Agency Act declaring a disaster relating to public health emergency exists, or when general visitation restrictions have been implemented due to an isolated reason. The provider must establish a policy in accordance with this section that address the following information. ([See a template LeadingAge Illinois Policy.](#))

- The arrangements for regular visitation by others who are not considered the primary or secondary essential support person including arranging for regular

visitation by various means such as outdoor visitation, facilitated virtual visitation through the use of technology, and indoor visitation when the resident is nearing the end of life as determined by one or more of the resident's attending health care professionals. For the purposes of this subsection, visitors may include the primary and secondary essential support people as well as family, friends, and others who agree to comply with the safety protocols established.

- The needs of the resident for physical, emotional, psychological, and socialization support based on the resident's person-centered care plan.
- Safety protocols for all visitors to a facility, including but not limited to, the primary and secondary essential support persons. This includes:
 - All visitors following the same safety and infection control protocols currently in place for staff.
 - Facility staff providing all visitors with copies of any policies or protocols, department guidance, or other necessary safety measures.
 - The facility shall require a primary and secondary essential support person to agree, in writing, to comply with the safety and infection control protocols and the signed agreement is placed in the resident's record and available to the department upon request.
- Allowing access to a resident by a primary or secondary essential support person despite general visitation restrictions, provided the primary or secondary essential support person complies with the safety protocols.

If a resident has not designated a primary essential support person, they shall work with the resident or their representative, a family member or the long-term care ombudsman to identify a primary essential support person and provide them access to the resident.