



## **Frequently Asked Questions by Guardians About the COVID-19 Vaccine For Long-Term Care Facility Residents December 30, 2020**

The National Guardianship Association, along with the American Bar Association [Commission on Law and Aging](#) and the [National Center for State Courts](#), recognizes that guardians have many questions about the COVID-19 vaccine. Together we have developed some answers to questions we are hearing from guardians. This supplements the [FAQ](#) published in September 2020.

For all questions you should refer to your state laws, local resources, medical advice, and specific court orders. Nothing in this document is to be considered legal advice for specific questions. Consult with your attorney and other professionals as necessary and use the [NGA Standards of Practice](#) for further guidance when faced with difficult decisions.

### **My client or loved will soon be able to be vaccinated against COVID-19. How should I support my client or loved one in deciding whether to receive the vaccine?**

When deciding whether to give consent for a client or loved one to receive the COVID vaccine, you should make a person-centered decision in accordance with the [NGA Standards of Practice](#):

- **Standard 14.III** “The guardian shall seek to ensure that the person receives appropriate health care consistent with person-centered health care decision-making.”
- **Standard 14.IV** “The guardian shall....maximize the person's participation, acquire clear understanding of medical facts....[and] options, and risks and benefits of each option.”
- **Standard 14.V** “Use the substituted judgment standard with respect to a health care decision unless the guardian cannot determine the person’s prior wishes.” Thus, consider the person’s current statements and past decisions concerning vaccines, and their current concerns about COVID.

The decision is based not on whether you personally would or would not receive the vaccine, nor on what the facility staff think would be best, but what the client or loved one wants. If your client or loved one is unable to make or participate in the decision with support (such as a clear, plain language explanation of the risks and benefits), you should follow the decision-making steps set forth in in NGA Standard 14.IV.

### **How should I communicate with the long-term care facility about consent for my client or loved one?**

Reach out to the facility staff as soon as possible to find out when they expect to have the COVID-19 vaccine available, what the schedule is for vaccinations, and what the facility or pharmacy partner will need in terms of consent. Clarify that as the guardian, you will be making the decision, with the resident’s participation if possible. At this time, it does not appear that written consent will be necessary for long-term care residents. If you give oral consent, document in your file that you did so, the date, and the person with whom you communicated.



### **What vaccine-related scams should I watch out for?**

If anyone calls and asks for your client or loved one's Social Security number, bank account, or credit card number in order to get a vaccine, it's a scam. You cannot pay to move your client or loved one ahead in the priority list to get the vaccine and offers to do so are likely fraudulent. The [Federal Trade Commission](#) has information on these and other Covid-19 scams.

### **Will my client or loved one have to pay for the vaccine?**

The federal government has purchased hundreds of millions of doses of the vaccine and long-term care residents will not have to pay for the vaccine itself. The Centers for Medicare & Medicaid Services (CMS) has stated that patients should not have to pay for the vaccine or its administration.

### **Useful sites**

[CDC FAQ about COVID-19 Vaccination in long-term care facilities](#)

[CDC FAQ about COVID-19 Vaccination](#)

[HHS: Federal Operation Warp Speed information](#)

[CDC fact sheets for the vaccines for recipients:](#)

[The National Consumer Voice for Quality Long-Term Care information](#) regarding COVID-19

For other questions that guardians may have about the COVID-19 pandemic, see [Frequently Asked Questions by Guardian About the COVID-19 Pandemic](#), September 2020.