

Dependent Adult Abuse in Facilities and Programs

This checklist may be utilized to assure that you are complying with the State of Iowa Administrative Code Chapter 52.

☑	Rule/Code Section	Criteria
		Iowa Admin. Code 481-52.1 Definitions. *Verify your policy contains these definitions* [Iowa Code Chapter 235B statutory provisions are in <i>italics</i>.]
		<u>Assault of a dependent adult:</u> means the commission of any act which is generally intended to cause pain or injury to a dependent adult, or which is generally intended to result in physical contact which would be considered by a reasonable person to be insulting or offensive or any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
		<u>Caretaker:</u> means a person who is a staff member of a facility or a program who provides care, protection, or services to a dependent adult voluntarily, by contract, through employment, or by order of the court. For the purpose of an allegation of exploitation, if the caretaker-dependent adult relationship started when a staff member was employed in the facility, the staff may be considered a caretaker after employment is terminated. <i>Caretaker: means a related or nonrelated person who has the responsibility for the protection, care or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.</i>
		<u>Confidentiality:</u> means the withholding of information from any manner of communication, public or private.
		<i>Court: means the district court.</i>
		<u>Department:</u> means the department of inspections and appeals. <i>Department: means the department of Human Services</i>
		<u>Dependent adult:</u> means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for the person's own care or protection is impaired, either temporarily or permanently. <i>Dependent adult: means a person 18 years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule</i>
		<u>Dependent adult abuse:</u> means any of the following as a result of the willful misconduct or gross negligence or reckless act or omission of a caretaker, taking into account the totality of the circumstances: physical injury, unreasonable confinement, unreasonable punishment, assault, sexual offense, sexual exploitation, exploitation, neglect or personal degradation. "Dependent Adult Abuse" does not include any of the following: <ol style="list-style-type: none"> 1. Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment. 2. Circumstances in which the dependent adult's caretaker, acting in accordance with the dependent adult's stated or implied consent, declines medical treatment or care. 3. The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under Iowa Code chapter 125, 144A, 144B, 222, 259, or 633. <u>Dependent adult abuse:</u> <ol style="list-style-type: none"> 1. <i>Any of the following as a result of the willful or negligent acts or omissions of a caretaker:</i> <ol style="list-style-type: none"> a. <i>Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult.</i> b. <i>The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.</i> c. <i>Exploitation of a dependent adult which means the act or process of taking unfair</i>

		<p><i>advantage of a dependent adult or the adult's physical or financial resources, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.</i></p> <p>d. <i>The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult's life or health.</i></p> <p>2. <i>The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.</i></p> <p>3.</p> <p>a. <i>Sexual exploitation of a dependent adult by a caretaker.</i></p> <p>b. <i>Sexual exploitation means any consensual or nonconsensual sexual conduct with a dependent adult which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. Sexual exploitation includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of practice or employment of the caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.</i></p> <p>4. <i>Personal degradation</i></p> <p>a. <i>Personal degradation of a dependent adult by a caretaker.</i></p> <p>b.</p> <p>i. <i>Personal degradation means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. Personal degradation includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker's actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person.</i></p> <p>ii. <i>Personal degradation does not include any of the following:</i></p> <p>A. <i>The taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or any other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation.</i></p> <p>B. <i>The taking, transmission, or display of an electronic image by a caretaker who takes, transmits, or displays the electronic image in accordance with the confidentiality policy and release of information or consent policies of a contractor, employer, or facility or program not covered under section 235E.1, subsection 5, paragraph a, subparagraph 3.</i></p> <p>C. <i>A statement by a caretaker who is the spouse of a dependent adult that is not intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult spouse.</i></p> <p>5. <i>Dependent adult abuse does not include any of the following:</i></p> <p>a. <i>Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenants and practices call for reliance on spiritual means in place of reliance on medical treatment.</i></p> <p>b. <i>Circumstances in which the dependent adult's caretaker, acting in accordance with the dependent adult's state or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenants and practices call for reliance on spiritual means in place of reliance on medical treatment.</i></p> <p>c. <i>The withholding, withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter</i></p>
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		<i><u>Emergency Shelter Services</u>: means and includes, but is not limited to, secure crisis shelters or housing for victims of dependent adult abuse.</i>
		<i><u>Exploitation</u>: means a caretaker who knowingly obtains, uses, endeavors to obtain to use, or who misappropriates, a dependent adult's funds, assets, medications, or property with the intent to temporarily or permanently deprive a dependent adult of the use, benefit, or possession of the funds, assets, medication, or property for the benefit of someone other than the dependent adult.</i>
		<i><u>Facility</u>: means a health care facility as defined in Iowa Code section 135C.1 or a hospital as defined in Iowa Code section 135B.1</i>
		<i><u>Family or household member</u>: means a spouse, a person cohabiting with the dependent adult, a parent, or a person related to the dependent adult by consanguinity or affinity, but does not include children of the dependent adult who are less than 18 years of age.</i>
		<i><u>Gross negligence</u>: means an act or omission that signifies more than ordinary inadvertence or inattention, but less than conscious indifference to consequences; and, in other words, means an extreme departure from the ordinary standard of care.</i>
		<i><u>Immediately</u>: for purposes of mandatory reporters' reporting of suspected dependent adult abuse, means within 24 hours.</i>
		<i><u>Immediate danger to health or safety</u>: means a situation in which death or severe bodily injury could reasonably be expected to occur without intervention.</i>
		<i><u>Individual employed as an outreach person</u>: means a natural person who, in the course of employment, makes regular contacts with dependent adults regarding available community resources.</i>
		<i><u>Intimate relationship</u>: means a significant romantic involvement between two persons that need not include sexual involvement, but does not include a casual social relationship or association in a business or professional capacity. In determining whether persons are in an intimate relationship, the following nonexclusive list of factors may be considered:</i> <ol style="list-style-type: none">1. The duration of the relationship.2. The frequency of interaction.3. Whether the relationship has been terminated, and4. The nature of the relationship, characterize by either person's expectation of sexual or romantic involvement.
		<i><u>Misappropriates</u>: means taking unfair advantage of or wrongfully or dishonestly exercising control over property.</i>
		<i><u>Neglect of a dependent adult</u>: means the deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult's life or physical or mental health.</i>
		<i><u>Personal degradation</u>: means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. "Personal degradation" includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. "Personal degradation" does not include the taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation. "Personal degradation" also does not include the taking, transmission, or display of an electronic image by a caretaker in accordance with the facility's or program's confidentiality policy and release of information or consent policies.</i>
		<i><u>Program</u>: means an elder group home as defined in Iowa Code section 231B.1, an assisted living program certified under Iowa Code 231C.3, or an adult day services program as defined in Iowa Code section 231D.1.</i>

		<u>Recklessly:</u> means that a person acts or fails to act with respect to a material element of a public offense, when the person is aware of and consciously disregards a substantial and unjustifiable risk that the material element exists or will result from the act or omission. The risk must be of such a nature and degree that disregard of the risk constitutes a gross deviation from the standard conduct that a reasonable person would observe in the situation. <i>235B contains the exact same definition.</i>
		<u>Report:</u> means a verbal or written statement, made to the department, which alleges that dependent adult abuse occurred.
		<u>Resident:</u> means a resident of a health care facility as defined in Iowa Code Chapter 135C, a patient in a hospital as defined in Iowa Code chapter 135B, a tenant of an assisted living program as defined in Iowa Code chapter 231C, a tenant in an elder group home as defined in Iowa Code chapter 231B, or a participant in an adult day services program as defined in Iowa Code chapter 231D.
		<u>Serious Injury:</u> <i>means the same as defined in section 702.18</i>
		<u>Sexual exploitation:</u> means any consensual or nonconsensual sexual conduct with a dependent adult by a caretaker whether within a facility or program or at a location outside of a facility or program. "Sexual exploitation" includes but is not limited to: 1. Kissing. 2. Touching of the clothed or unclothed breast, groin, buttock, anus, pubes, or genitals. 3. A sex act as defined in Iowa Code section 702.17. 4. The transmission, display or taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment, care, monitoring, assessment, or diagnosis or as part of an ongoing investigation. "Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange or a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort or casual friendship; or touching between spouses or domestic partners in an intimate relationship.
		<u>Staff member:</u> means an individual who provides direct or indirect treatment or services to residents in a facility or program. Direct treatment or services include those provided through person-to-person contact. Indirect treatment or services include those provided without person-to-person contact such as those provided by administration, dietary, laundry, and maintenance. Specifically excluded from the definition of a "staff member" are individuals such as part-time volunteers, building contractors, repair workers or others who are in a facility or program for a very limited purpose, are not in the facility or program on a regular basis, or do not provide any treatment or services to the residents of the facility or program.
		<u>Support Services:</u> <i>includes but is not limited to community-based services including area agency on aging assistance, mental health services, fiscal management, home health services, housing-related services, counseling services, transportation services, adult day services, respite services, legal services and advocacy services.</i>
		<u>Unreasonable Confinement:</u> means confinement that includes but is not limited to the use of restraints, either physical or chemical, for the convenience of staff. "Unreasonable Confinement" does not include the use of confinement and restraints if the methods are employed in conformance with state and federal standards governing confinement and restraint or as authorized by a physician or physician extender.
		<u>Unreasonable punishment:</u> means a willful act or statement intended by the caretaker to punish, agitate, confuse, frighten, or cause emotional distress to the dependent adult. Such willful act or statement includes but is not limited to intimidating behavior, threats, harassment, deceptive acts, or false or misleading statements.
		<u>Willful misconduct:</u> means an intentional act of unreasonable character committed with disregards for a known or obvious risk that is so great as to make it highly probable that harm will follow.
Iowa Admin. Code 481-52.2 Persons who must report dependent adult abuse and the reporting procedure for those persons. [Iowa Code Chapter 235B statutory provisions are in <i>italics</i>.]		
	52.2(1) 235B.3(2)	Persons who must report dependent adult abuse. The following persons shall report suspected adult abuse in accordance with subrule 52.2(2) below. a. A staff member. Specifically excluded from the definition of "staff member" only for purposes of this requirements set forth in this subrule are individuals who have no contact or de minimus contact with residents in a facility or program. b. An employee of a facility or program who, in the course of employment, examines, attends, counsels, or treats a dependent adult in a facility or program and reasonably believes the

		<p>dependent adult has suffered dependent adult abuse.</p> <p><i>A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse, shall report the suspected adult abuse to the department. Persons required to report include all of the following:</i></p> <ol style="list-style-type: none"> <i>A member of the staff of a community mental health center.</i> <i>A peace officer.</i> <i>An in-home homemaker-home health aide.</i> <i>An individual employed as an outreach person.</i> <i>A health practitioner, as defined in section 232.68.</i> <i>A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center.</i> <i>A social worker.</i> <i>A certified psychologist.</i>
	52.2(2) 235B.3(3)	<p>Reporting suspected dependent adult abuse in facilities or programs.</p> <ol style="list-style-type: none"> If a staff member or employee is required to make a report pursuant to this rule, the staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the department within 24 hours of such notification or the next business day. If the person in charge is the alleged dependent adult abuse, the staff member shall directly report the abuse to the department within 24 hours or the next business day. Nothing in this subrule prevents a mandatory reporter or any other person from notifying the department directly of any suspected abuse. The employer or supervisor of a person who is required to or may make a report pursuant to this rule shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report. When the person making the report has reason to believe that immediate protection for the dependent adult is advisable, that person should also immediately make an oral report to an appropriate law enforcement agency. A report of suspected adult abuse shall contain as much of the following information as the person making the report is able to furnish: <ol style="list-style-type: none"> The date and time of the incident; The name, date of birth and diagnoses of the dependent adult; Whether the dependent adult sustained an injury and, if yes, whether photographs of the injury were taken; The nature and extent of the dependent adult abuse, including evidence of previous dependent adult abuse allegations; A list of staff members working at the time of the incident, including each staff member's full name, title, date of birth, address and telephone number; The alleged perpetrator's full name, title, date of birth, social security number, address and telephone number; Other information which the person making the report believes might be helpful in establishing the cause of the abuse or the identity of the person or persons responsible for the abuse or helpful in providing assistance to the dependent adult; and The name, address and telephone number of the person making the report. <p><i>a. If a staff member or employee is required to report pursuant to this section, the person shall immediately notify the department and shall also immediately notify the person in charge or the person's designated agent.</i></p> <p><i>b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.</i></p> <p><i>c. An employee of a financial institution may report suspected financial exploitation of a dependent adult to the department.</i></p> <p><i>d. Any other person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of human services.</i></p> <p>Note: While the state rules refer to 24 hours to report dependent adult abuse, Federal Regulation (F609) governing SNF/NF require reporting abuse within a 2-hour time frame. SNF/NF should abide by the 2-hour time frame in their policy.</p>
	52.2(3)	<p>A report shall be accepted whether or not it contains all of the information requested. When the report is made to any agency other than the department, the agency shall promptly refer the report to the department.</p>

	52.2(4)	A person required to report abuse who knowingly and willfully fails to do so within 24 hours may be subject to criminal penalties and civil liability as provided for by the statute.
	52.2(5)	Interference with a person required to report. a. It is unlawful for any person or employer to discharge, suspend or otherwise discipline a person for any of the following: 1. For reporting suspected dependent adult abuse; 2. For cooperating with or assisting the department in evaluating or investigating a case of dependent adult abuse; or 3. For participating in judicial proceedings relating to dependent adult abuse. b. A person or employer found in violation of this subrule is guilty of a simple misdemeanor.
	52.2(6)	Staff members who are employed by a facility or program on January 1, 2010, and who were not previously required to attend dependent adult abuse training shall be required to have attended the training no later than December 31, 2010.
481-52.3 Reports and registry of dependent adult abuse (and subsequent subrules) 481-52.4 Financial institution employees and reporting suspected financial exploitation 481-52.5 Evaluation of report. Note these state rules are present in chapter 52, however, they are not included in this document as it is not relevant to assuring compliance in the home/program.		
Iowa Admin. Code 481-52.6 Separation of victim and alleged abuser. [Iowa Code Chapter 235B statutory provisions are in <i>italics</i>.]		
	52.6 235B.3(6)	<p>Upon receiving a claim of dependent adult abuse of a dependent adult in a facility or program, the facility or program shall separate the victim and the alleged abuser immediately and shall maintain that separation until the department's abuse investigation is completed and the abuse determination is made. Note: Facilities that participate in the federal Medicare or Medicaid program may be subject to additional federal requirements regarding separation.</p> <p><i>Following the reporting of suspected dependent adult abuse, the department of human services or an agency approved by the department shall complete an assessment of necessary services and shall make appropriate referrals for receipt of these services. The assessment shall include interviews with the dependent adult, and, if appropriate, with the alleged perpetrator of the dependent adult abuse and with any person believed to have knowledge of the circumstances of the case. The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion of the protective services.</i></p>
Iowa Admin. Code 481-52.7 Interviews, examination of evidence, and investigation of dependent adult abuse allegations. [Iowa Code Chapter 235B statutory provisions are in <i>italics</i>.]		
	52.7(1) 235B.3(7)	<p>Entering and examining evidence at a facility or program. An inspector of the department may enter any facility or program without a warrant and may examine all records and items pertaining to residents, employees, former employees, and the alleged dependent adult abuser and any other records and items necessary to ensure the integrity of the investigation unless the record or item is protected by some other legal privilege.</p> <p><i>Upon a showing of probable cause that a dependent adult has been abused, a court may authorize a person, also authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult. Upon a showing of probable cause that a dependent adult has been financially exploited, a court may authorize a person, also authorized by the department, to make an evaluation, and to gain access to the financial records of the dependent adult.</i></p>
	52.7(2)	<p>Interviews.</p> <p>a. An inspector of the department may contact or interview any resident, employee, former employee, or any other person who might have knowledge about the alleged dependent adult abuse.</p> <p>b. An alleged dependent adult abuser may request to have an attorney present at the alleged dependent adult abuser's expense at any time during the interview, but the request may not unreasonably delay the investigation. An employee organization representative or union representative may observe an investigative interview conducted by the department of an alleged dependent adult abuser if all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. The alleged dependent adult abuser is part of a bargaining unit or employee organization that is party to a collective bargaining agreement under Iowa Code chapter 20 or any other applicable state or federal law.

		<ol style="list-style-type: none"> 2. The alleged dependent adult abuser requests the presence of a union representative or employee organization representative. 3. The representative maintains the confidentiality of all information from the interview subject to the penalties provided in Iowa Code section 235B.12 if such confidentiality is breached. 4. The purpose of the interview is a civil administrative dependent adult abuse investigation under applicable law.
	52.7(3)	Photographs of victim, vicinity and related matters. An inspector may take or cause to be taken photographs of the dependent adult abuse victim and the vicinity involved. The department shall obtain consent from the dependent adult abuse victim or guardian or other person with power of attorney over the dependent adult abuse victim prior to taking photographs of the dependent adult abuse victim.
	52.7(4)	Evaluating information. An inspector shall consider the information as reported, other known or discovered information, and any information gathered as a result of the inspector's contact with collateral sources, including prior abuse allegations and disciplinary actions.
Iowa Admin. Code 481-52.8 Notification to subsequent employers. The department shall notify a facility or program that subsequently employs an alleged or founded dependent adult abuser.		
<i>The following statutory provisions are contained within Iowa Code Chapter 235B only</i>		
	235B.3 (8)	<i>If the department determines that disclosure is necessary for the protection of a dependent adult, the department may disclose to a subject of a dependent adult abuse report referred to in section 235B.6, subsection 2, paragraph a, that an individual is listed in the child or dependent adult abuse registry or is required to register with the sex offender registry in accordance with chapter 692A.</i>
	235B.3 (9)	<p><i>The department shall inform the appropriate county attorneys of any reports of dependent adult abuse. The department may request information from any person believed to have knowledge of a case of a case of dependent adult abuse. The person, including but not limited to a county attorney, law enforcement agency, a multidisciplinary team, a social services agency in the state, or any person who is required pursuant to subsection 2 to report dependent adult abuse, whether or not the person made the specific dependent adult abuse report, shall cooperate and assist in the evaluation upon the request of the department. If the department's assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.</i></p> <p><i>a. If, upon completion of the evaluation or upon referral from the department of inspections and appeals, the department determines that the best interests of the dependent adult require court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.</i></p> <p><i>b. The department shall assist the court during all stages of court proceedings involving a suspected case of dependent adult abuse.</i></p> <p><i>In every case involving abuse which is substantiated by the department, and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.</i></p>
	235B.3 (10)	<i>A person participating in good faith in reporting or cooperating with or assisting the department in evaluating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving assistance. The person has the same immunity with respect to participating in good faith in a judicial proceeding resulting from the report or cooperation or assistance or relating to the subject matter of the report, cooperation, or assistance.</i>

235B.3 (11)	<i>It shall be unlawful for any person or employer to discharge, suspend, or otherwise discipline a person required to report or voluntarily reporting an instance of suspected dependent adult abuse pursuant to subsection 2 or 5, or cooperating with, or assisting the department of human services in evaluating a case of dependent adult abuse. A person or employer found in violation of this subsection is guilty of a simple misdemeanor.</i>
235B.3 (12)	<i>A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so commits a simple misdemeanor. A person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3</i>
235B.3 (13)	<i>The department of inspections and appeals shall adopt rules which require facilities or programs to separate an alleged dependent adult abuser from a victim following an allegation of perpetration of abuse and prior to the completion of an investigation and allegation.</i>
235B.16 (1)	<i>The department on aging, in cooperation with the department, shall conduct a public information and education program. The elements and goals of the program include but are not limited to:</i> <i>a. Informing the public regarding the laws governing dependent adult abuse and the reporting requirements for dependent adult abuse.</i> <i>b. Providing caretakers with information regarding services to alleviate the emotional, psychological, physical, or financial stress associated with the caretaker and dependent adult relationship.</i> <i>Affecting public attitudes regarding the role of a dependent adult in society.</i>
235B.16 (2)	<i>The department, in cooperation with the department on aging and the department of inspections and appeals, shall institute a program of education and training for persons, including members of provider groups and family members, who may come in contact with dependent adult abuse. The program shall include but is not limited to instruction regarding recognition of dependent adult abuse and the procedure for the reporting of suspected abuse.</i>
235B.16 (3)	<i>The content of the continuing education required pursuant to chapter 272C for a licensed professional providing care or service to a dependent adult shall include, but is not limited to, the responsibilities, obligations, powers and duties of a person regarding the reporting of suspected dependent adult abuse, and training to aid the professional in identifying instances of dependent adult abuse.</i>
235B.16(4)	<i>The department of inspections and appeals shall provide training to investigators regarding the collection and preservation in the case of suspected dependent adult abuse.</i>
235B.16(5)	<i>a. For the purposes of this subsection, "licensing board" means a board designated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.</i> <i>b. A person required to report cases of dependent adult abuse pursuant to sections 235b.3 and 235E.2, other than a physician whose professional practice does not regularly involve providing primary health care to adults, shall complete two hours of training relating to the identification and reporting of dependent adult abuse within six months of initial employment or self-employment which involves the examination, attending, counseling, self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer, or if self-employed, from the department. The person shall complete at least two hours of additional dependent adult abuse identification and reporting training every 3 years. If the person completes at least one hour of additional dependent adult abuse identification and reporting training prior to the three-year expiration period, the person shall be deemed in compliance with the training requirements of this section for an additional three years.</i> <i>c. The core training curriculum relating to the identification and reporting of dependent adult abuse, as provided in paragraph "b" shall be developed by the department pursuant to subsection 2 and provided by the department.</i> <i>d. An employer of a person required to report cases of dependent adult abuse pursuant to sections 235b.3 and 235E.2 may provide supplemental training, specific to the identification and reporting of dependent adult abuse as it relates to the person's professional practice, in addition to the core training provided by the department.</i> <i>e. A licensing board with authority over the license of a person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 shall require as a condition of licensure that the person is in compliance with the requirements for abuse training under this subsection. The licensing board shall require the person's completion of the training requirements. However, the licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing the waiver or suspension of the compliance requirements if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the</i>

		<p><i>military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering dependent adult abuse in this state.</i></p> <p><i>f. For persons required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2, who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of the renewal of the facility's or programs licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.</i></p> <p><i>g. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.</i></p> <p><i>For persons required to report cases of dependent adult abuse pursuant to sections 235.3 and 235E.2 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.</i></p>
	235B.16 (6)	<p><i>The department shall require an educational program for employees of the registry on the proper use and control of dependent adult abuse information.</i></p>

Additional Resources:

Iowa Admin. Code 481-52: [481.52.pdf \(iowa.gov\)](#)

Iowa Code Chapter 235B: [235B.pdf \(iowa.gov\)](#)

Federal Regulations pertaining to Abuse: [Appendix PP - November 22, 2017 \(cms.gov\)](#) – F600 through F610

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