

CHAPTER 50
ACCESS TO DEPENDENT ADULT ABUSE INFORMATION
S.F. 116

AN ACT authorizing certain persons to access dependent adult abuse information.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 235B.6, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. A person involved in an investigation of dependent adult abuse including all of the following:

(1) A health practitioner or mental health professional who is examining, attending, or treating an adult whom such practitioner or professional believes or has reason to believe has been the victim of abuse or to a health practitioner or mental health professional whose consultation with respect to an adult believed to have been the victim of abuse is requested by the department.

(2) An employee or agent of the department responsible for the investigation of a dependent adult abuse report.

(3) A representative of the department involved in the certification or accreditation of an agency or program providing care or services to a dependent adult believed to have been a victim of abuse.

~~(3)~~ (4) A law enforcement officer responsible for assisting in an investigation of a dependent adult abuse allegation.

~~(4)~~ (5) A multidisciplinary team, if the department of human services approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the investigation, diagnosis, assessment, and disposition of a case of dependent adult abuse.

~~(5)~~ (6) The mandatory reporter who reported the dependent adult abuse in an individual case.

Approved April 24, 1995

CHAPTER 51
REGULATION OF HEALTH CARE FACILITIES – DEPENDENT ADULT ABUSE
S.F. 174

AN ACT relating to health facilities under the purview of the department of inspections and appeals.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135B.9, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The department shall make or cause to be made inspections as it deems necessary in order to determine compliance with applicable rules. ~~A licensee or applicant for a license desiring to make a specific type of alteration or addition to its facilities or to construct new facilities shall, before commencing the alteration, addition, or new construction, submit plans and specifications to the department for preliminary inspection and approval or recommendations with respect to compliance with the applicable rules and standards.~~

Sec. 2. NEW SECTION. 135H.8A PROVISIONAL LICENSE.

The department may issue a provisional license, effective for not more than one year, to a licensee whose psychiatric institution does not meet the requirements of this chapter, if, prior to issuance of the license, written plans to achieve compliance with the applicable requirements are submitted to and approved by the department. The plans shall specify the deadline for achieving compliance.

Sec. 3. Section 235B.2, subsection 5, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Sexual exploitation of a dependent adult who is a resident of a health care facility, as defined in section 135C.1, by a caretaker providing services to or employed by the health care facility, whether within the health care facility or at a location outside of the health care facility.

“Sexual exploitation” means any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or 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 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 of 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.

Sec. 4. Section 235B.3, subsection 3, Code 1995, is amended to read as follows:

3. If a staff member or employee is required to report pursuant to this section, the person shall immediately notify the person in charge or the person’s designated agent, and the person in charge or the designated agent shall make the report by the end of the next business day.

Approved April 24, 1995

CHAPTER 52

MISCELLANEOUS CHILD SUPPORT RECOVERY PROVISIONS

S.F. 149

AN ACT relating to child support recovery.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 234.39, subsection 1, Code 1995, is amended to read as follows:

1. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, or any order establishing paternity and support for a child in foster care, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent’s or guardian’s support obligation for the cost of foster care provided by the department. ~~The court, or the department of human services in establishing support by administrative order, shall establish the amount of the parent’s or guardian’s support obligation and the amount of support debt accrued and accruing~~ shall be established in accordance with the child support guidelines prescribed under section 598.21, subsection 4. However, the court, or the department of