

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 52, “Dependent Adult Abuse in Facilities and Programs,” Iowa Administrative Code.

The proposed amendments add personal degradation as a form of dependent adult abuse by caretakers in facilities and programs regulated by the Department. The proposed amendments provide that a caretaker in a facility or program licensed or certified by the Department may be found to have committed dependent adult abuse if the individual knowingly and willfully takes, transmits, or displays a photographic image that degrades the personal dignity of a dependent adult.

The proposed amendments implement 2017 Iowa Acts, House File 544, which was signed into law by Governor Terry Branstad on March 30, 2017.

The Department does not believe that the proposed amendments will pose any financial hardship on any regulated entity or individual.

The State Board of Health initially reviewed the proposed amendments at its May 10, 2017, meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 27, 2017. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, Third Floor, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 135C.14 and 2017 Iowa Acts, House File 544.

The following amendments are proposed.

ITEM 1. Amend rule **481—52.1(235E)**, definition of “Dependent adult abuse,” as follows:

“*Dependent adult abuse*” 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, ~~or~~ neglect, or personal degradation. “Dependent adult abuse” does not include any of the following:

1. to 3. No change.

ITEM 2. Adopt the following new definition of “Personal degradation” in rule **481—52.1(235E)**:

“*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.