

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to updates of forms and information**

The Human Services Department hereby amends Chapter 176, “Dependent Adult Abuse,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 234.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

The purpose of these amendments is to streamline required maintenance of administrative rules related to dependent adult abuse by removing form numbers from the administrative rules.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 16, 2019, as **ARC 4239C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on March 13, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on June 1, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 176.4(2) as follows:

**176.4(2)** The reporter may use a form prescribed by the department's Form 470-2441, Suspected Dependent Adult Abuse Report, department or may use a form developed by the reporter that meets the requirements of Iowa Code section 235B.3.

ITEM 2. Amend subrule 176.6(5) as follows:

**176.6(5)** Completion of evaluation or assessment report. Upon completion of its evaluation or assessment, the department shall complete a report that describes its findings and includes all actions taken or contemplated.

a. No change.

b. Upon completion of an evaluation, the department shall enter its report into the ~~system on dependent adults (SODA)~~ dependent adult reporting and evaluation system (DARES).

c. Upon completion of an assessment when the alleged abuse is the result of the acts or omissions of the dependent adult, the department shall place the report in the case file of the dependent adult and ~~on SODA~~ enter the information into DARES.

ITEM 3. Amend subrule 176.6(14), introductory paragraph, as follows:

**176.6(14)** Assessment of dependency and risk. After the first visit to a dependent adult who is alleged to be abused, the department shall complete an assessment of the adult using ~~Form 470-3246, Dependent Adult Assessment Tool~~ a form prescribed by the department. The department shall assess:

ITEM 4. Amend subrule 176.6(15) as follows:

**176.6(15)** Follow-up for at-risk adults. When it has not been possible or necessary to obtain a court order for services to an at-risk adult, the department shall attempt to ~~persuade~~ empower the at-risk adult to agree to accept services and to participate in preparing a safety plan. If the adult refuses to sign ~~Form 470-4835, Safety Plan for At-Risk Adult~~, a safety plan for an at-risk adult and to accept recommended services, the department shall provide periodic visits.

a. *Purpose.* The purpose of the visits shall be to:

(1) and (2) No change.

(3) ~~Persuade~~ Empower the adult to accept recommended services and to ~~sign Form 470-4835, Safety Plan for At-Risk Adult~~ engage in safety planning.

b. to d. No change.

ITEM 5. Amend subrule 176.10(10) as follows:

**176.10(10)** *Mandatory reporter notification.* The department shall attempt to notify orally the mandatory reporter who made the report in a dependent adult abuse case of the results of the evaluation or assessment and of the confidentiality provisions of Iowa Code sections 235B.6 and 235B.12. The department shall subsequently transmit a written ~~notice on Form 470-2444, Adult Protective Notification~~, adult protective notification on a form prescribed by the department to ~~the each~~ mandatory reporter who made the report. The form shall include information regarding the results of the evaluation or assessment and confidentiality provisions. A copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in Iowa Code section 235B.8.

ITEM 6. Amend subrule 176.15(2), introductory paragraph, as follows:

**176.15(2)** *Execution of team agreement.* When the team is established, the service area manager or designee and all team members shall execute an agreement on ~~Form 470-2328, Dependent Adult Abuse Multidisciplinary Team Agreement~~ a form prescribed by the department. ~~This~~ The multidisciplinary team agreement specifies shall specify:

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/10/19.