INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

**Proposing rule making related to dependent adult abuse
and providing an opportunity for public comment**

The Inspections and Appeals Department hereby proposes to amend Chapter 52, "Dependent Adult Abuse in Facilities and Programs," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 10A.104 and 235E.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 235E.2 as amended by 2019 Iowa Acts, House File 304, and Iowa Code section 235E.5.

Purpose and Summary

The proposed amendment implements changes made to Iowa Code chapter 235E resulting from 2019 Iowa Acts, House File 304, which added a citation to reference "personal degradation" as defined in Iowa Code section 235E.1(5)"a"(3) to the list of dependent adult abuse required to be reported that shall be collected and maintained by the Department of Human Services as an assessment only for a five-year period and shall not be included in the central registry or considered to be founded dependent adult abuse if determined by the Department of Inspections and Appeals to be minor, isolated, and unlikely to reoccur.

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 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 18, 2020. Comments should be directed to:

Ashleigh Hackel
Iowa Department of Inspections and Appeals
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: ashleigh.hackel@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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).

The following rule-making action is proposed:

Amend subrule 52.3(3) as follows:

52.3(3) *Reports of abuse that is minor, isolated, and unlikely to reoccur.*

a. *Minor, isolated, and unlikely to reoccur—first instance.* A report of dependent adult abuse that meets the definition of "dependent adult abuse" as defined in Iowa Code section 235E.1(5)*"a"*(1)(a) or (d), or section 235E.1(5)*"a"*(3), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department of human services for a five-year period, shall not be included in the central registry, and shall not be considered founded dependent adult abuse.

b. *Minor, isolated, and unlikely to reoccur—subsequent instance(s).* A subsequent report of dependent adult abuse that meets the definition of "dependent adult abuse" as defined in Iowa Code section 235E.1(5)*"a"*(1)(a) or (d), or section 235E.1(5)*"a"*(3), that occurs within the five-year period, and that is committed by the same caretaker may also be considered minor, isolated, and unlikely to reoccur, depending on the totality of circumstances.

c. No change.