

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

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

The Human Services Department hereby proposes to amend Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Chapter 108, “Licensing and Regulation of Child-Placing Agencies,” Chapter 109, “Child Care Centers,” Chapter 113, “Licensing and Regulation of Foster Family Homes,” and Chapter 117, “Foster Parent Training,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 232.69.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 232.69.

*Purpose and Summary*

2019 Iowa Acts, House File 731, relating to mandatory child abuse and dependent adult abuse reporter training, was approved and signed into law by Governor Reynolds on May 8, 2019, stating that mandatory reporter training must be completed every three years. Previously, training needed to be completed every five years. This proposed rule making implements that change and makes other corresponding changes. It also updates terminology relating to intellectual disabilities.

*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).

*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 November 10, 2020. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*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 actions are proposed:

ITEM 1. Amend paragraph **77.37(15)“a”** as follows:

*a.* The following agencies may provide respite services:

- (1) No change.
- (2) Nursing facilities, intermediate care facilities for ~~the mentally retarded~~ persons with an intellectual disability, and hospitals enrolled as providers in the Iowa Medicaid program.
- (3) Residential care facilities for persons with ~~mental retardation~~ an intellectual disability licensed by the department of inspections and appeals.
- (4) to (9) No change.

ITEM 2. Amend paragraph **77.37(23)“b”** as follows:

*b.* Subject to the requirements of this rule, the following agencies may provide residential-based supported community living services:

- (1) No change.
- (2) Agencies licensed as residential facilities for ~~mentally retarded~~ children with an intellectual disability or brain injury under 441—Chapter 116.
- (3) Other agencies providing residential-based supported community living services that meet the following conditions:
  1. The agency must provide orientation training on the agency’s purpose, policies, and procedures within one month of hire or contracting for all employed and contracted treatment staff and must provide 24 hours of training during the first year of employment or contracting. The agency must also provide at least 12 hours of training per year after the first year of employment for all employed and contracted treatment staff. Annual training shall include, at a minimum, training on children’s ~~mental retardation~~ intellectual disabilities and developmental disabilities services and children’s mental health issues. Identification and reporting of child abuse shall be covered in training at least every ~~five~~ three years, in accordance with Iowa Code section 232.69.

2. to 5. No change.

ITEM 3. Amend paragraph **108.2(9)“f”** as follows:

*f.* The agency refuses to cooperate with child protective ~~investigations~~ assessments involving children placed by the agency.

ITEM 4. Amend subrule 108.6(3) as follows:

**108.6(3) Staff training.** An agency shall provide orientation training on the agency’s purpose, policies and procedures within one month of hire and 24 hours of training in the first year of employment for all employed and contracted casework staff. The 24 hours of training shall include: training on family foster care services, adoption services, supervised apartment living services, or children and families’ mental health topics, and 2 hours of training related to the identification and reporting of child abuse for all employed or contracted casework staff in accordance with Iowa Code section 232.69. An agency shall provide 12 hours of training per year after the first year of employment for all employed or

contracted casework staff. The 12 hours of training shall include: training on family foster care services, adoption services, supervised apartment living services, or children and families' mental health topics and child abuse training every ~~five~~ three years in accordance with Iowa Code section 232.69.

The training formats that shall qualify as training are as follows: in-service training, seminars, conferences, workshops, institutes, visiting other facilities, and meeting with consultants.

The training provided shall be documented. The documentation shall include the training topic, format, date and number of hours.

ITEM 5. Amend subrule 108.8(5) as follows:

**108.8(5) Complaints.** When an agency receives a complaint which may indicate possible violation of the foster care licensing rules, the agency shall, within five working days of receiving the complaint, either conduct an investigation to assess compliance with applicable rules or refer the complaint to the department for ~~investigation~~ assessment. If the agency conducts the investigation, the agency shall submit a written report of the investigation to the department within ten working days of receiving the complaint with a statement of rule violation and a recommendation regarding the license of the foster family home. The written report shall be filed in the foster parents' file.

ITEM 6. Amend subrule 108.8(6) as follows:

**108.8(6) Foster family training.** The agency shall ensure that each foster home recommended for foster family license has complied with the training requirements in 441—113.8(237).

Within six months of licensure and every ~~five~~ three years thereafter, each foster parent shall obtain mandatory reporter training relating to identification and reporting of child abuse.

ITEM 7. Amend subparagraph **109.7(2)“a”(2)** as follows:

(2) Training received for cardiopulmonary resuscitation (CPR), first aid, mandatory reporting of child abuse, and universal precautions shall not count toward the ten contact hours. A provider shall not use a specific training or class to meet minimum continuing education requirements more than one time every ~~five~~ three years.

ITEM 8. Amend subparagraph **109.14(3)“b”(2)** as follows:

(2) Six hours' training in care of ill children, ~~and~~; two hours' training in child abuse identification and reporting, as required by Iowa Code section 232.69, within the first six months of employment and every ~~five~~ three years thereafter; and maintenance of a valid certificate indicating expiration date.

ITEM 9. Amend paragraph **113.8(1)“d”** as follows:

d. Mandatory reporter training on child abuse identification and reporting before initial licensure and every ~~five~~ three years thereafter as required by rule 441—112.10(232) and 441—subrule 117.8(3).

ITEM 10. Amend paragraph **117.2(3)“d”** as follows:

d. Child abuse law and child abuse ~~investigation~~ assessment procedures.

ITEM 11. Amend subrule 117.8(3) as follows:

**117.8(3) Child abuse reporting.** Each foster parent shall complete an approved mandatory child abuse reporter training every ~~five~~ three years after the foster parent's initial preservice mandatory child abuse reporter training relating to the identification of child abuse and the requirements and procedures for the reporting of child abuse pursuant to Iowa Code section 232.68.

a. *Training provider.* The foster parent shall be responsible for ~~obtaining~~ completing the required two-hour mandatory reporter training on child abuse identification and reporting ~~as approved by the Iowa department of public health~~ in accordance with Iowa Code section 232.69. A list of approved training opportunities is available on the Iowa department of public health Web site by searching “mandatory reporter training.” Foster parents are eligible to take the one-hour recertification mandatory reporter training on child abuse identification and reporting within the six months prior to the expiration of their previous certification if they have already completed the two-hour training at least once.

b. No change.