

CHAPTER 121**EMPLOYEE COMPENSATION FOR TRAVEL TIME
TO AND FROM WORKSITES***H.F. 635*

AN ACT providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite.

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

Section 1. NEW SECTION. 91A.13 TRAVEL TIME TO WORKSITE — NOT COMPENSABLE.

Unless a collective bargaining agreement provides otherwise, an employee is not entitled to compensation for the time that an employee spends traveling to and from the worksite on transportation provided by the employer, when during that time, the employee performs no work, the transportation is provided by the employer as a convenience for the employee, and the employee is not required by the employer to use that means of transportation to the worksite. An employee is entitled to compensation for the time that an employee spends traveling between worksites if the travel is done during working hours.

Approved May 7, 2001

CHAPTER 122**CHILD AND DEPENDENT ADULT ABUSE REPORTING***H.F. 680*

AN ACT relating to child and dependent abuse reporting and civil remedies pertaining to such reporting.

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

Section 1. Section 135.11, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 26. Establish an abuse education review panel for review and approval of mandatory reporter training curricula for those persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.

Sec. 2. Section 232.69, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. Any of the following persons who, in the scope of professional practice or in their employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes a child has suffered abuse:

- (1) A self-employed social worker.
- ~~(2) A social worker under the jurisdiction of the department of human services.~~
- ~~(3) A social worker employed by a public or private agency or institution.~~
- (4) (2) An employee or operator of a public or private health care facility as defined in section 135C.1.
- ~~(5) (3) A certified psychologist.~~

~~(6)~~ (4) A licensed school employee, certified paraeducator, or holder of a coaching authorization issued under section 272.31.

~~(7)~~ (5) An employee or operator of a licensed child care center, ~~or~~ registered child care home, head start program, family development and self-sufficiency grant program under section 217.12, or healthy opportunities for parents to experience success—healthy families Iowa program under section 135.106.

~~(8)~~ (6) An employee or operator of a substance abuse program or facility licensed under chapter 125.

~~(9)~~ (7) An employee of a department of human services institution listed in section 218.1.

~~(10)~~ (8) An employee or operator of a juvenile detention or juvenile shelter care facility approved under section 232.142.

~~(11)~~ (9) An employee or operator of a foster care facility licensed or approved under chapter 237.

~~(12)~~ (10) An employee or operator of a mental health center.

~~(13)~~ (11) A peace officer.

~~(14)~~ A dental hygienist.

~~(15)~~ (12) A counselor, or mental health professional.

Sec. 3. Section 232.69, subsection 3, Code 2001, is amended to read as follows:

3. a. For the purposes of this subsection, “licensing board” means an examining board designated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.

b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete two hours of training relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving the examination, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person’s employer or, if self-employed, from the department. The person shall complete at least two hours of additional child abuse identification and reporting training every five years.

c. If the person is an employee of a hospital or similar institution, or of a public or private institution, agency, or facility, the employer shall be responsible for providing the child abuse identification and reporting training. If the person is self-employed, employed in a licensed or certified profession, or employed by a facility or program that is subject to licensure, regulation, or approval by a state agency, the person shall be responsible for obtaining obtain the child abuse identification and reporting training as provided in paragraph “d”.

d. The person may complete the initial or additional training requirements as part of a any of the following that are applicable to the person:

(1) A continuing education program required under chapter 272C or may complete the training as part of a and approved by the appropriate licensing or examining board.

(2) A training program using a curriculum approved by the abuse education review panel established by the director of public health pursuant to section 135.11.

(3) A training program using such an approved curriculum offered by the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.

e. A licensing board with authority over the license of a person required to make a report under subsection 1 shall require as a condition of licensure that the person is in compliance with the requirements for abuse training under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person’s completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance

with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering child abuse in this state.

f. For persons required to make a report under subsection 1 who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of renewal of the facility's or program's licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.

g. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

h. For persons required to make a report under subsection 1 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.

Sec. 4. Section 232.70, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The employer or supervisor of a person who is a mandatory or permissive reporter shall not apply a policy, work rule, or other requirement that interferes with the person making a report of child abuse.

Sec. 5. Section 232.71B, subsection 14, Code 2001, is amended to read as follows:

14. FALSE REPORTS. If a fourth report is received from the same person who made three earlier reports which identified the same child as a victim of child abuse and the same person responsible for the care of the child as the alleged abuser and which were determined by the department to be entirely false or without merit, the department may determine that the report is again false or without merit due to the report's spurious or frivolous nature and may in its discretion terminate its assessment of the report. If the department receives more than three reports which identify the same child as a victim of child abuse or the same person as the alleged abuser of a child, or which were made by the same person, and the department determined the reports to be entirely false or without merit, the department shall provide information concerning the reports to the county attorney for consideration of criminal charges under section 232.75, subsection 3.

Sec. 6. Section 232.75, subsection 2, Code 2001, is amended to read as follows:

2. Any person, official, agency, or institution, required by section 232.69 to report a suspected case of child abuse who knowingly fails to do so or who knowingly interferes with the making of such a report in violation of section 232.70, is civilly liable for the damages proximately caused by such failure or interference.

Sec. 7. Section 235B.3, subsection 2, paragraphs a, b, and c, Code 2001, are amended to read as follows:

~~a. A self-employed social worker.~~

~~b. A social worker or an income maintenance worker under the jurisdiction of the department of human services.~~

~~c. A social worker employed by a public or private person including a public or private health care facility as defined in section 135C.1.~~

Sec. 8. Section 235B.3, subsection 3, Code 2001, is amended to read as follows:

3. a. 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.

b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

Sec. 9. Section 235B.3, subsection 7, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The department shall inform the appropriate county attorneys of any reports of dependent adult abuse. The department may request information from any person believed to have knowledge of a case of dependent adult abuse. The person, including but not limited to a county attorney, a law enforcement agency, a multidisciplinary team, ~~or~~ a social services agency in the state, or any person who is required pursuant to subsection 2 to report dependent adult abuse, whether or not the person made the specific dependent adult abuse report, shall cooperate and assist in the evaluation upon the request of the department. If the department's assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agency. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

Sec. 10. Section 235B.3, subsection 10, Code 2001, is amended to read as follows:

10. A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so ~~is guilty of~~ commits a simple misdemeanor. A person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3, interferes with the making of such a report or applies a requirement that results in such a failure, is civilly liable for the damages proximately caused by the failure.

Sec. 11. Section 235B.16, subsection 5, Code 2001, is amended to read as follows:

5. a. For the purposes of this subsection, "licensing board" means an examining board designated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.

b. A person required to report cases of dependent adult abuse pursuant to section 235B.3, other than a physician whose professional practice does not regularly involve providing primary health care to adults, shall complete two hours of training relating to the identification and reporting of dependent adult abuse within six months of initial employment or self-employment which involves the examination, attending, counseling, or treatment of adults on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional dependent adult abuse identification and reporting training every five years.

c. If the person is an employee of a hospital or similar public or private facility, the employer shall be responsible for providing the training. To the extent that the employer provides approved training on the employer's premises, the hours of training completed by employees shall be included in the calculation of nursing or service hours required to be provided to a patient or resident per day. If the person is self-employed, employed in a licensed or certified profession, or employed by a facility or program that is subject to licensure, regulation, or approval by a state agency, the person shall ~~be responsible for obtaining~~ obtain the training as provided in paragraph "d".

d. The person may complete the initial or additional training requirements as a part of a any of the following that are applicable to the person:

(1) A continuing education program required under chapter 272C ~~or may complete the training as a part of a~~ and approved by the appropriate licensing or examining board.

(2) A training program using a curriculum approved by the abuse education review panel established by the director of public health pursuant to section 135.11.

(3) A training program using such an approved curriculum offered by the department of human services, the department of elder affairs, the department of inspections and appeals, the Iowa law enforcement academy, or a similar public agency.

e. A person required to complete both child abuse and dependent adult abuse mandatory reporter training may complete the training through a program which combines child abuse and dependent adult abuse curricula and thereby meet the training requirements of both this subsection and section 232.69 simultaneously. A person who is a mandatory reporter for both child abuse and dependent adult abuse may satisfy the combined training requirements of this subsection through completion of a two-hour training program, if the training program curriculum ~~and content are approved by the department of human services~~ is approved by the appropriate licensing or examining board or the abuse education review panel established by the director of public health pursuant to section 135.11.

f. A licensing board with authority over the license of a person required to report cases of dependent adult abuse pursuant to section 235B.3 shall require as a condition of licensure that the person is in compliance with the requirements for abuse training under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering dependent adult abuse in this state.

g. For persons required to report cases of dependent adult abuse pursuant to section 235B.3, who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of the renewal of the facility's or program's licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.

h. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

i. For persons required to report cases of dependent adult abuse pursuant to section 235B.3 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.

Approved May 7, 2001