

CHAPTER 93
ABUSE EDUCATION REVIEW PANEL

641—93.1(135) Purpose. The purpose of the abuse education review panel process is to provide an objective method by which curricula for child and dependent adult abuse mandatory reporter training are reviewed and approved. Approved curricula are to be taught to 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.

641—93.2(135) Panel.

93.2(1) Panel composition. The director shall appoint the members of the panel. The panel shall be comprised of seven members, with one member having expertise in issues related to child abuse, one member having expertise in issues related to dependent adult abuse, one member having expertise in curriculum development, and four members representing mandatory reporters or employers of mandatory reporters. Appointments shall be for three-year staggered terms that shall expire on June 30. A member shall serve no more than three terms or nine years. The director shall fill any vacancy for the unexpired term of the vacancy. The director shall make all reasonable efforts to ensure that the total composition of the panel is fair, impartial, and equitable.

93.2(2) Designation of officers. The panel shall elect a chairperson and vice-chairperson at the first meeting of each fiscal year. A vacancy in the office of chairperson shall be filled by elevation of the vice-chairperson. A vacancy in the office of vice-chairperson shall be filled by election at the next meeting after the vacancy occurs. If the chairperson is absent or unable to act, the vice-chairperson shall perform the duties of the chairperson. The chairperson shall preside at all meetings of the panel, appoint such subcommittees as deemed necessary, and designate the chairperson of each subcommittee.

93.2(3) Vacancies. In the event a vacancy occurs prior to the completion of the panel member's term, the director shall fill the vacancy using the same criteria required in the selection of the original member. The director shall declare a vacancy upon the death, resignation, or failure to serve of any panel member.

641—93.3(135) Meetings. The panel shall meet as necessary and appropriate. Four members shall constitute a quorum, and no recommendations may be adopted without the affirmative vote of at least four members of the panel. The members of the panel shall be eligible for reimbursement of actual and necessary expenses for the performance of their official duties.

641—93.4(135) Duties. The panel shall perform the following duties:

1. Review and approve criteria for child and dependent adult abuse curricula for 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.
2. Conduct literature reviews and scrutinize existing research pertinent to its purpose.
3. Review curricula based on the criteria established in rule 93.5(135).
4. Report decisions regarding approvals or denials to applicants.
5. Review appeals as provided in rule 93.7(135).
6. Maintain a list of all approved curricula and distribute the list upon request.

641—93.5(135) Standards for approval of curricula. The following criteria are established to assist in evaluation of curricula. Nothing in this rule shall preclude providers from offering additional coursework, training, or information that exceeds or expands upon the curriculum prescribed by the panel. At a minimum, approved curricula shall contain each of the following:

93.5(1) Content that necessitates at least two hours of training.

93.5(2) The definition of child abuse as defined in Iowa Code section 232.68(2) or the definition of dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.

93.5(3) Training in the physical, psychological, behavioral, environmental, and other relevant indicators of child abuse as defined in Iowa Code section 232.68(2) or dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.

93.5(4) Requirements and procedures for reporting suspected cases of abuse, including when to report, how to report, and to whom to report.

93.5(5) Review of the Code of Iowa and the Iowa Administrative Code pertaining to child or dependent adult abuse, including review of the classifications of mandatory reporters, confidentiality provisions, immunity provisions, and penalties for failure to report.

93.5(6) A description of the assessment protocol utilized by the department of human services and other investigating agencies following receipt of a report and the manner in which information is shared between the department of human services and the reporter, other relevant individuals, agencies, and entities.

93.5(7) An evaluation component to assess the understanding, knowledge, and skills acquired.

93.5(8) Resource materials or information in the following areas:

- a. The causes and risk factors of child or dependent adult abuse;
- b. Assisting individuals and families who have experienced child or dependent adult abuse, including information on local resources and available referral services;
- c. Prevention of child or dependent adult abuse.

641—93.6(135) Process for application review and approval.

93.6(1) *Submission and decision.* An organization, institution, agency, or individual may submit an application for approval of curriculum on a form prescribed by the panel. The application shall at a minimum demonstrate the manner in which the proposed curriculum meets the criteria in rule 93.5(135). Within three months of submission of an application, the panel shall review the application and issue a written decision regarding the application. If each of the standards for approval has been satisfied, the panel shall approve the curriculum for a period of three years and shall notify the applicant of the panel's decision in writing. If the standards for approval have not been met, the panel shall deny the curriculum and shall provide to the applicant a written explanation of the reason for denial.

93.6(2) *Renewal.* Within 90 days of expiration of the three-year approval period, an applicant may apply for approval renewal by completing a renewal of application form provided by the panel.

93.6(3) *Additional information.* The panel may request additional information from the applicant or other individuals at any phase in the review process.

93.6(4) *Evaluation of approved curriculum.* The panel may at any time reevaluate an approved curriculum. Upon evidence of a significant variation in the curriculum presented from the curriculum approved, the panel may disapprove all or any part of the previously approved curriculum.

93.6(5) *Amendment to approved curriculum.* The panel may require amendments to an approved curriculum based on legislative or administrative rule changes.

641—93.7(135) Process for appeal. A person aggrieved by a panel decision may, within 30 days of receipt of the decision, appeal the decision by submitting a written appeal to the chairperson which states the reason for the appeal. Within 60 days of receipt of the appeal, the panel shall review the application and any additional information submitted. If the panel finds that each of the standards for approval has been satisfied, the panel shall approve the curriculum. If the standards for approval have not been met, the panel shall deny the curriculum. The panel shall provide a written explanation of the reasons for the approval or denial of approval. This decision is the final action of the panel and shall be considered final agency action for purposes of judicial review. The appeal review process is not a contested case proceeding as that term is defined in Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 135.11 as amended by 2001 Iowa Acts, chapter 122, section 1.

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