

CHAPTER 30
STATE RESOURCE CENTERS

PREAMBLE

This chapter sets policies for the state resource centers listed in Iowa Code section 218.1. These rules apply in addition to the general rules in 441—Chapter 28.

441—30.1(218,222) Catchment areas. The catchment areas for the two state resource centers shall be as follows.

30.1(1) *Glenwood.* Adair, Adams, Appanoose, Audubon, Benton, Carroll, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Davis, Decatur, Des Moines, Fremont, Greene, Guthrie, Harrison, Henry, Ida, Iowa, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Lyon, Mahaska, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Pottawattamie, Ringgold, Sac, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Washington, Wayne, and Woodbury Counties form the catchment area for the Glenwood resource center.

30.1(2) *Woodward.* Allamakee, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cerro Gordo, Chickasaw, Clay, Clayton, Dallas, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Jasper, Kossuth, Madison, Marion, Marshall, Mitchell, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Poweshiek, Story, Tama, Warren, Webster, Winnebago, Winneshiek, Worth, and Wright Counties form the catchment area for the Woodward resource center.

This rule is intended to implement Iowa Code section 222.6.
[ARC 8094B, IAB 9/9/09, effective 11/1/09]

441—30.2(218,222) Admission. Express written consent of the individual or the individual's parent, guardian, or legal representative shall be secured before admission.

30.2(1) *Application for an adult.* Applications for the care, treatment, or evaluation of an adult individual by a resource center shall be made through the central point of coordination for the board of supervisors of the individual's county of residence.

a. The application shall be made using Form 470-4402, Application for Admission to a State Resource Center, and shall be accompanied by:

- (1) Completed Form 470-4403, Resource Center Agreement and Consent for Services, and
- (2) Other information specifically requested in writing by the resource center.

b. The application shall be submitted through the deputy director or the deputy director's designee.

30.2(2) *Application for a minor.* Application for a minor individual shall be made through the deputy director or the deputy director's designee using Form 470-4402, Application for Admission to a State Resource Center. The application shall be accompanied by:

a. Completed Form 470-4403, Resource Center Agreement and Consent for Services, and

b. Other information specifically requested in writing by the deputy director or the deputy director's designee.

30.2(3) *Application for readmission.* When the application is for a readmission, the resource center may waive the resubmittal of any information already in the files other than Form 470-4402, Application for Admission to a State Resource Center.

30.2(4) *Receipt of application.* Upon receipt of an application, the resource center may:

a. Provide an individual with outpatient evaluation treatment, training, or habilitation services; or

b. Admit an individual on a temporary basis for either:

(1) A preadmission diagnostic evaluation to determine whether the individual would be appropriate to admit to the regular program, or

(2) A diagnostic evaluation to assist in planning for community-based services or respite care.

30.2(5) *Eligibility for admission.* Eligibility for admission shall be determined by:

a. A preadmission diagnostic evaluation,

b. An established diagnosis of mental retardation,

- c. The availability of an appropriate program, and
- d. The availability of space at the facility.

This rule is intended to implement Iowa Code sections 222.13 and 222.13A.
[ARC 8094B, IAB 9/9/09, effective 11/1/09]

441—30.3(222) Certification of settlement.

30.3(1) Certification. At the time of an individual's application for admission to a resource center, the board of supervisors shall certify through the central point of coordination process that the legal settlement of the person applying for admission is one of the following:

- a. In the county from which the application is received or where the court is located;
- b. In another county in Iowa;
- c. In another state or in a foreign country; or
- d. Unknown or no legal settlement.

30.3(2) Supporting evidence.

a. If legal settlement is certified in the county of admission, no supporting evidence is necessary.
b. If legal settlement is certified in another county, the certification shall be sent to that county as described in Iowa Code section 222.63. A copy of the evidence supporting the determination, as described in 441—subrules 28.3(1) and 28.3(2), shall accompany the certification.

c. If the central point of coordination for the admitting county finds that the person has not acquired legal settlement in an Iowa county, the admitting county shall send the certification as described in Iowa Code section 222.64 to the Administrator, DHS Division of Fiscal Management, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The certification shall be accompanied by a copy of the evidence supporting the determination, as described in 441—subrules 28.3(1), 28.3(2), and 28.3(3).

This rule is intended to implement Iowa Code sections 222.31, 222.60, 222.61 to 222.65, 222.69, and 222.70.

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441—30.4(222) Liability for support. The liability of any person, other than the individual, who is legally bound for the support of any individual under 18 years of age shall be determined in the same manner as parent liability in rule 441—156.2(234), except that the maximum liability shall not exceed the standards for personal allowances established by the department under the family investment program.

This rule is intended to implement Iowa Code section 222.78.
[ARC 8094B, IAB 9/9/09, effective 11/1/09]

441—30.5(217,218,225C) Rights of individuals.

30.5(1) Information. An individual receiving care from a state resource center shall have the right to:

- a. Receive an explanation and written copy of the rules of the facility.
- b. Receive an explanation of the individual's medical condition, developmental status, and behavioral status, and be informed as to treatment plans and the attendant risks of treatment.

30.5(2) Care and treatment. An individual receiving care from a state resource center shall have the right to:

- a. Receive appropriate treatment, services, and habilitation for the individual's disabilities, including appropriate and sufficient medical and dental care.
- b. Have the confidentiality of the individual's personal resource center records maintained and have access to those records within a reasonable period.
- c. Work, when available and desired and as appropriate to the individual's plan of treatment, and be compensated for that work in accordance with federal and state laws.

30.5(3) Living conditions. An individual receiving care from a state resource center shall have the right to:

- a. Receive care in a manner that respects and maintains the individual's dignity and individuality.
- b. Have opportunities for personal privacy, including during the care of personal needs.

c. Keep and use appropriate personal possessions, including wearing the individual's own clothing.

d. Share a room with a spouse when both live in the same facility.

e. Be free from unnecessary drugs and restraints.

f. Be free from physical, psychological, sexual, or verbal abuse, neglect and exploitation.

30.5(4) Communication. An individual receiving care from a state resource center shall have the right to:

a. Communicate with people and access services at the facility and in the community, including organizing and participating in resident groups while at the facility.

b. Receive visits of the individual's choice from parents, guardians, legal representatives, or family without prior notice given to the facility unless the visits have been determined inappropriate by the individual's treatment team.

c. Communicate and meet privately with persons of the individual's choice without prior notice given to the facility unless the communication is determined inappropriate by the individual's treatment team.

d. Send and receive unopened mail.

e. Make and receive private telephone calls, unless the calls have been determined inappropriate by the individual's treatment team.

30.5(5) Self-determination. An individual receiving care from a state resource center shall have the right to:

a. Have a dignified existence with self-determination, making choices about aspects of the individual's life that are significant to the individual.

b. Give informed consent, including the right to withdraw consent at any given time.

c. Refuse treatment (such as medication or behavioral interventions) offered without the individual's expressed informed consent, and be provided with an explanation of the consequences of those refusals unless treatment is necessary to protect the health or safety of the individual or is ordered by a court.

d. Refuse to perform services for the facility and not be coerced to perform services.

e. Manage the individual's own financial affairs unless doing so is limited under law or determined not appropriate by the individual's treatment team.

f. Choose activities, schedules, and care consistent with the individual's interests, needs and care plans.

g. Engage in social, religious, and community activities of the individual's choice.

30.5(6) Advocacy. An individual receiving care from a state resource center shall have the right to:

a. Exercise the individual's rights as a citizen or resident of the United States.

b. File a grievance pursuant to rule 441—28.4(225C,229) without any intimidation or reprisal resulting from the grievance.

This rule is intended to implement Iowa Code sections 217.30, 218.4, 225C.28A, and 225C.28B.
[ARC 8094B, IAB 9/9/09, effective 11/1/09]

441—30.6(218) Visiting.

30.6(1) The visiting hours at state resource centers shall be from 9 to 11 a.m. and 1 to 4 p.m. for on-ward visits; and from 8:30 a.m. to 8:30 p.m. for off-campus visits. Visiting hours may be extended at the superintendent's or designee's discretion when visitors have traveled a great distance to visit or are able to make visits only rarely.

30.6(2) The individual shall be available only when the individual is not actively involved in a scheduled treatment activity.

30.6(3) A visit shall be terminated when behavior on the part of the individual or the visitor is disruptive to the individual's treatment plan.

30.6(4) Visitors wishing to take a resident off grounds shall obtain prior approval from the individual's treatment team social worker or designee.

This rule is intended to implement Iowa Code section 218.4.

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