

CHAPTER 113
PUBLIC HEALTH RESPONSE TEAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

641—113.1(135) Definitions. For purposes of this chapter, the following definitions shall apply:

“Defend” means that the office of the Iowa attorney general shall provide a public health response team member with legal representation at no cost to the public health response team member.

“Department” means the Iowa department of public health.

“Director” means the director of the Iowa department of public health.

“Disaster medical assistance team” or *“DMAT”* means a public health response team that is sponsored by the department or a sponsor agency, and approved by the department, to provide medical assistance in the event of a disaster or threatened disaster or other incident as defined in Iowa Code section 135.143.

“Environmental health response team” or *“EHRT”* means a public health response team that is sponsored by the department or a sponsor agency, and approved by the department, to provide environmental health expertise and assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

“Indemnify” means that the state of Iowa shall pay all sums that a public health response team member is legally obligated to pay as damages because of any claim made against the public health response team member which arises out of the provision of direct medical care or other support services rendered or which should have been rendered during a disaster, threatened disaster, or other incident defined in Iowa Code section 135.143, or arising out of a training exercise to prepare for a disaster or other incident defined in Iowa Code section 135.143.

“Iowa mortuary operational response team” or *“IMORT”* means a public health response team that is sponsored by the department or a sponsor agency, and approved by the department, to provide decedent care in the event of a mass fatality disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

“Logistical support response team” or *“LSRT”* means a public health response team that is sponsored by the department or a sponsor agency, and approved by the department, to provide logistical support and assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

“Public health response team” or *“PHRT”* means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, that is sponsored by the department or a sponsor agency, a hospital or other entity, and approved by the department, to provide assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143. “Public health response team” shall include a disaster medical assistance team, an environmental health response team, a logistical support response team, the Iowa mortuary operational response team and other teams established and approved upon written order of the director to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources.

“Public health response team member” or *“PHRT member”* means an individual who has registered with the department and has received approval from the department to serve on a public health response team.

“Sponsor agreement” means a signed agreement between a sponsor agency and the department which defines the terms and conditions under which the agency shall sponsor a public health response team.

[ARC 0578C, IAB 2/6/13, effective 3/13/13; ARC 2476C, IAB 3/30/16, effective 5/5/16]

641—113.2(135) Purpose.

113.2(1) The department, through the division of acute disease prevention, emergency response and environmental health, bureau of emergency and trauma services, shall establish, register, and approve public health response teams to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources in the event of a disaster or threatened disaster or other

incident as defined in Iowa Code section 135.143. The primary purpose of the public health response teams is to respond to Iowa incidents and to provide support for Iowa medical and public health personnel, hospitals, and resources. A public health response team may also be requested to respond to an out-of-state disaster or emergency pursuant to the emergency management assistance compact at Iowa Code section 29C.21.

113.2(2) PHRTs shall be established, registered and approved pursuant to this chapter. Additional PHRTs may be established, registered and approved as necessary upon written order of the director.

[ARC 0578C, IAB 2/6/13, effective 3/13/13; ARC 2476C, IAB 3/30/16, effective 5/5/16]

641—113.3(135) Sponsor agency.

113.3(1) *Sponsor agency approval.* A hospital or other entity may apply to the department to be a sponsor agency of a public health response team. The applicant shall apply on a form approved by the department and shall provide all information requested by the department. The department may approve an application when the department is satisfied that the sponsor agency will operate the PHRT in compliance with Iowa Code section 135.143 and this chapter. Upon approval of the application, the department and the sponsor agency shall execute a sponsor agreement which shall provide that the agency is registered with the department and has been approved to sponsor a public health response team. The sponsor agreement shall also include the effective date of the approval and the terms and conditions of approval.

113.3(2) *Sponsor agency denial and revocation.* The department may deny approval to an applicant sponsor agency or may revoke a sponsor agency's approval if the department determines that the sponsor agency has violated or failed to comply with Iowa Code section 135.143 or this chapter, any term or condition contained in the sponsor agreement, any operational procedure, or state or federal law. The department shall notify the applicant or sponsor agency of the department's decision in writing by certified mail, return receipt requested. In the event an applicant or a sponsor agency is dissatisfied with the department's decision, the applicant or sponsor agency may submit a request for reconsideration with the division director. Such request shall be delivered by certified mail, return receipt requested, within 20 days of the date of the denial or revocation notification, to Division Director, Division of Acute Disease Prevention and Emergency Response, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. The division director shall review the matter and issue a written decision within 20 days of receipt of the request. The division director's decision shall be final agency action. This appeal process does not constitute a contested case proceeding as defined in Iowa Code chapter 17A.

641—113.4(135) Public health response team members.

113.4(1) *Registration and approval.* An individual may apply to the department to be a public health response team member. The applicant shall apply on the Iowa statewide registry of volunteers (iSERV) Web site or on a form approved by the department and shall provide all requested information. The department shall register and approve an individual to serve as a PHRT member when the department is satisfied that the individual satisfies the requirements of this chapter and will perform on a PHRT in compliance with Iowa Code section 135.143 and this chapter. Upon registration and approval of an individual, the department shall provide the individual with written notification that the individual is registered with the department and has been approved to serve on a public health response team. The written notification shall also include the effective date of the approval and the terms and conditions of approval.

113.4(2) *Denial and revocation.* The department may deny approval to an individual or may revoke an individual's approval if the department determines that the individual has violated or failed to comply with Iowa Code section 135.143 or this chapter, any term or condition contained in the written approval notification from the department, any operational procedure, or state or federal law, or has exposed or may expose the state to undue risk. The department shall notify the individual of the department's decision in writing by certified mail, return receipt requested. In the event an individual is dissatisfied with the department's decision, the individual may submit a request for reconsideration with the division director. Such request shall be delivered by certified mail, return receipt requested, within 20 days of the date of the denial or revocation notification, to Division Director, Division of Acute Disease Prevention and Emergency Response, Lucas State Office Building, 321 E. 12th Street, Des Moines Iowa 50319. The

division director shall review the matter and issue a written decision within 20 days of receipt of the request. The division director's decision shall be final agency action. This appeal process does not constitute a contested case proceeding as defined in Iowa Code chapter 17A.

113.4(3) *Effect of revocation.* If the department revokes a public health response team member's approval, the action may preclude future eligibility, but shall not negate defense and indemnification coverage or other protection for covered acts or omissions which occurred during the effective date of approval.

[ARC 2476C, IAB 3/30/16, effective 5/5/16]

641—113.5(135) Public health response team.

113.5(1) *General requirements.*

a. An entity may make application to the department to be a sponsor agency pursuant to subrule 113.3(1). An individual may make application to be a member of a PHRT pursuant to subrule 113.4(1).

b. The department shall establish the Iowa Volunteer Public Health Response Team Operational Procedures Manual. The operational procedures shall be in writing and shall be provided to each PHRT member. All PHRT members and sponsor agencies shall follow the PHRT operational procedures as established by the department. The Iowa Volunteer Public Health Response Team Operational Procedures Manual is available through the Iowa Department of Public Health, Bureau of Emergency and Trauma Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

c. If the department notifies a PHRT member or sponsor agency of a violation of Iowa Code section 135.143, this chapter, or an operational procedure, the PHRT member or sponsor agency shall correct the deficiency or violation identified by the department within a time frame determined by the department. If a PHRT member or sponsor agency fails to correct a deficiency or violation within the time frame identified by the department, or if the deficiency or violation constitutes an immediate danger to the public health, safety, or welfare, the department may initiate action to revoke approval pursuant to subrule 113.3(2) or 113.4(2).

113.5(2) *Team composition.*

a. A PHRT shall be comprised of health care professionals and administrative personnel as identified in the Iowa Volunteer Public Health Response Team Operational Procedures Manual.

b. The sponsor agency or department, as applicable, shall be responsible for maintaining adequate staffing.

113.5(3) *Licensure and educational requirements.*

a. Each PHRT member shall hold and maintain an active unrestricted license, registration, or certification to practice in Iowa (if applicable) in the member's respective medical or health care profession.

b. Each PHRT member shall complete required training as listed in the Iowa Volunteer Public Health Response Team Operational Procedures Manual, including training specified in respective team annexes.

c. A sponsor agency may provide specific position training to PHRT members as determined to be necessary by the sponsor agency and as approved by the department.

d. The department shall develop and implement training exercises to test the team's notification process, deployment readiness, and response capabilities.

e. The sponsor agency or department, as applicable, shall be responsible for documenting each PHRT member's completion of required training.

113.5(4) *Deployment and standdown.*

a. PHRTs shall prepare to deploy within two to four hours of notification by the department. PHRTs shall not self-deploy and shall not be covered by the provisions of Iowa Code section 135.143 and this chapter if the PHRTs self-deploy or are deployed by another agency or entity.

b. Deployment and standdown procedures are outlined in the Iowa Volunteer Public Health Response Team Operational Procedures Manual and shall be followed by all PHRT members.

[ARC 0578C, IAB 2/6/13, effective 3/13/13; ARC 2476C, IAB 3/30/16, effective 5/5/16]

641—113.6(135) Legal and other protections. A public health response team member acting pursuant to Iowa Code section 135.143 and this chapter shall be considered an employee of the state under Iowa Code

section 29C.21 and chapter 669, shall be afforded protection as an employee of the state under Iowa Code section 669.21 whom the state shall defend and indemnify, and shall be considered an employee of the state for purposes of workers' compensation, disability, and death benefits, provided that the member has done all of the following:

1. Registered with and received approval from the department pursuant to subrule 113.4(1) to serve on a public health response team.
2. Provided direct medical care or other support services during a disaster, threatened disaster, or other incident described in Iowa Code section 135.143(1); or participated in a training exercise to prepare for a disaster or other incident described in Iowa Code section 135.143(1).

[ARC 0578C, IAB 2/6/13, effective 3/13/13]

641—113.7(135) Reporting requirements and duties.

113.7(1) Upon obtaining knowledge or becoming aware of any injury allegedly arising out of the negligent rendering of, or the negligent failure to render, medical or other services as a public health response team member, the member shall provide written notice to the department, as soon as practicable, containing to the extent obtainable the circumstance of the alleged injury, the name and address of the injured, and any other relevant information.

113.7(2) Upon obtaining knowledge or becoming aware of any injury as defined in subrule 113.7(1), a public health response team member shall promptly take all reasonable steps to prevent further or additional injury from the same or similar circumstances, situations, or conditions.

113.7(3) A public health response team member shall immediately notify the Iowa Department of Justice, Special Litigation Division, Hoover State Office Building, Des Moines, Iowa 50319, of service or receipt of an original petition, suit, or claim seeking damage from the public health response team member related to participation on a public health response team.

113.7(4) Each public health response team member shall fully cooperate with the state in the defense of any claim or suit related to participation on a public health response team, including attending hearings, depositions, and trials and assisting in securing and giving evidence, responding to discovery and ensuring the attendance of witnesses.

113.7(5) Each public health response team member shall accept financial responsibility for personal expenses and costs incurred in the defense of any claim or suit related to participation on a public health response team, including travel, meals, and compensation for time and lost practice.

[ARC 0578C, IAB 2/6/13, effective 3/13/13; ARC 2476C, IAB 3/30/16, effective 5/5/16]

These rules are intended to implement Iowa Code section 135.143.

[Filed 1/10/07, Notice 11/22/06—published 1/31/07, effective 3/7/07]

[Filed ARC 0578C (Notice ARC 0474C, IAB 11/28/12), IAB 2/6/13, effective 3/13/13]

[Filed ARC 2476C (Notice ARC 2367C, IAB 1/20/16), IAB 3/30/16, effective 5/5/16]