

CHAPTER 230
LONG-TERM CARE OMBUDSMAN

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/1/30

441—230.1(231) Definitions.

“*Certified volunteer*” means a certified volunteer long-term care ombudsman as authorized under Iowa Code section 231.45. A certified volunteer is considered a representative of the office.

“*Federal Act*” means the federal Older Americans Act, 42 U.S.C. §3001 et seq., as amended to October 1, 2025.

“*Office*” means the office of the state long-term care ombudsman established pursuant to the federal Act and Iowa Code section 231.42.

“*Ombudsman*” means the state long-term care ombudsman appointed by the director.

“*Representative of the office*” means the same as defined in 45 CFR §1324.1 as amended to October 1, 2025.

[ARC 9496C, IAB 8/20/25, effective 10/1/25]

441—230.2(231) Interference. A representative of the office who is denied access to a resident or tenant in a long-term care facility, assisted living program, or elder group home or to medical and social records while in the course of conducting official duties pursuant to Iowa Code section 231.42 or whose work is interfered with during the course of an investigation shall report such denial or interference to the office, which will report the interference to the director.

[ARC 9496C, IAB 8/20/25, effective 10/1/25]

441—230.3(231) Monetary civil penalties—basis. The director, in consultation with the ombudsman, may impose a monetary civil penalty of not more than \$1,500 on an officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the duties of the state, ombudsman, or representative of the office pursuant to Iowa Code section 231.42(8).

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441—230.4(231) Monetary civil penalties—notice of penalty. The office will notify the officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home in writing by certified mail of the intent to impose a civil penalty pursuant to 441—Chapter 16. The notice will include, at a minimum, the following information:

1. The nature of the interference and the date the action occurred.
2. The statutory basis for the penalty.
3. The amount of the penalty.
4. The date the penalty is due.
5. Instructions for responding to the notice, including information on the individual’s right to appeal.

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441—230.5(231) Monetary civil penalties—appeals. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who is assessed a monetary civil penalty for interference with the official duties of a long-term care ombudsman may appeal the penalty as set forth in 441—Chapter 2506.

[ARC 9496C, IAB 8/20/25, effective 10/1/25; Editorial change: IAC Supplement 6/10/26]

441—230.6(231) Certified volunteer long-term care ombudsman program.

230.6(1) Application. Any individual may apply to the office to become a certified volunteer.

a. *Application forms.* Application forms may be accessed on the department’s website.

b. *Submission of forms.* Each applicant shall complete an application and submit it to the office at the address listed on the form.

230.6(2) Applicants shall not be accepted into the program if:

- a. It is determined that the applicant has a conflict of interest as defined in the federal Act; or
- b. The applicant has unfavorable references, which will include a criminal background check and abuse check.

230.6(3) Training. Prior to certification, applicants must successfully complete the required training as approved by the office. Successful completion means completion of all assignments and tasks during training, demonstration of proper techniques and skills, and an understanding of the role of the certified volunteer in the long-term care setting.

230.6(4) Approval for certification. Final approval for certification as a certified volunteer will be made by the office and will be subject to the applicant's successful completion of the required training. The office has the right to require that the applicant receive additional personal training prior to certification and has the right to deny certification to applicants not meeting the training criteria.

230.6(5) Certification.

a. Notification. A certified volunteer will be notified in writing within 14 days following the conclusion of the training program if certification has been continued or revoked.

b. Certification will initially be for one year, with recertification available following the certified volunteer's completion of a minimum of 18 hours of approved continuing education in the first year and completion of a progress review by the office.

230.6(6) Continuing education.

a. All certified volunteers shall complete a minimum of 18 hours of approved continuing education annually.

b. Certified volunteers are responsible for reporting continuing education hours to the office or designee within 30 days following the completion of the continuing education event.

230.6(7) Decertification.

a. *Reasons for decertification.* A certified volunteer may be decertified by the office for any of the following reasons:

- (1) Falsification of information on the application;
- (2) Breach of confidentiality;
- (3) Acting as a certified volunteer without proper certification;
- (4) Attending less than the required continuing education training;
- (5) Voluntary termination;
- (6) Unprofessional conduct;
- (7) Failure to carry out the duties as assigned; or
- (8) Actions that are found by the office to violate the rules or intent of the program.

b. *Notice of decertification.* The office will notify the certified volunteer and the facility in writing of a decertification pursuant to 441—Chapter 16.

c. *Request for reconsideration.* A request for reconsideration or reinstatement of certification may be made in writing to the office. The request must be filed within 14 days after receipt of the notice of revocation.

d. *Response time.* The office will investigate and consider the request and notify the requesting party and the facility of the decision within 30 days of receipt of the written request.

230.6(8) Duties. The certified volunteer shall assist the office or designee in carrying out the duties described in the federal Act.

[ARC 9496C, IAB 8/20/25, effective 10/1/25]

441—230.7(231) Managed care ombudsman services.

230.7(1) The office may provide advocacy and assistance to eligible recipients, or the families or legal representatives of such eligible recipients, of long-term services and supports provided through the Medicaid program who are receiving services in a long-term care facility or under one of the home- and community-based services waivers.

230.7(2) Representatives of the office providing an individual with assistance and advocacy services authorized under Iowa Code section 231.44 shall be provided access to the individual and to the individual's medical, social, and administrative records related to the provision of the long-term services

and supports to the individual, as authorized by the individual or the individual's legal representative, as necessary to carry out the duties specified by Iowa Code section 231.44.

230.7(3) The office and representatives of the office, when providing assistance and advocacy services under Iowa Code section 231.44, will be considered a health oversight agency as defined in 45 CFR §164.501 as amended to October 1, 2025, for the purposes of health oversight activities described in 45 CFR §164.512(d) as amended to October 1, 2025. Recipient information available to the office and representatives of the office under this subrule shall be limited to the recipient's protected health information as defined in 45 CFR §160.103 as amended to October 1, 2025, for the purpose of recipient case resolution.

[ARC 9496C, IAB 8/20/25, effective 10/1/25]

These rules are intended to implement Iowa Code sections 231.41, 231.42, 231.44, and 231.45.

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