

**481—67.11(231B,231C,231D) Complaint and program-reported incident report investigation procedure.**

**67.11(1) *Complaints.*** The process for filing a complaint is as follows:

*a.* Any person with concerns regarding the operation or service delivery of a program may file a complaint with the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321; by use of the complaint hotline, 1.877.686.0027; by facsimile sent to 515.281.7106; or through the website address: [dial.iowa.gov](http://dial.iowa.gov).

*b.* When the nature of the complaint is outside of the department's authority, the department will forward the complaint or refer the complainant, if known, to the appropriate investigatory entity.

*c.* The complainant will include as much of the following information as possible in the complaint: the complainant's name, address and telephone number; the complainant's relationship to the program or tenant; and the reason for the complaint. The complainant's name shall be confidential information and shall not be released by the department. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the program. If the department, upon preliminary review, determines that the complaint is intended as harassment or is without reasonable basis, the department may dismiss the complaint.

**67.11(2) *Program-reported incident reports.*** When the program is required pursuant to applicable requirements to report an incident, the program will make the report to the department via:

*a.* The web-based reporting tool accessible from the following website, [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov);

*b.* Mail by sending the complaint to the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321;

*c.* The complaint hotline, 1.877.686.0027; or

*d.* Facsimile sent to 515.281.7106.

**67.11(3) *Time frames for investigation of complaints or program-reported incident reports.*** Upon receipt of a complaint or program-reported incident report made in accordance with this rule, the department will conduct a preliminary review of the complaint or report to determine if a potential regulatory insufficiency has occurred. If a potential regulatory insufficiency exists, the department will institute a monitoring of the program within the following time frames: within 2 working days of receipt of the complaint or incident report if there is the possibility of immediate danger, including that the potential regulatory insufficiency has caused or is likely to cause serious injury, harm, impairment, or death to a resident; or within 20 working days of receipt of the complaint or incident report if the potential regulatory insufficiency has caused or may cause harm that negatively impacts a tenant's mental, physical, or psychosocial status or function and is of such consequence to the tenant's well-being that a rapid response is warranted; or within 45 working days of receipt of the complaint or incident report for any other complaint or incident investigation, including a potential regulatory insufficiency that may have caused harm of limited consequence and does not significantly impair the tenant's mental, physical, or psychosocial status or function.

**67.11(4) *Standard for determining whether a complaint is substantiated.*** The department will apply a preponderance-of-the-evidence standard in determining whether or not a complaint or program-reported incident report is substantiated.

**67.11(5) *Notification of program and complainant.*** The department will notify the program and, if known, the complainant of the final report regarding the complaint investigation.

**67.11(6) *Notification of accrediting entity.*** For any credible report of alleged improper or inappropriate conduct or conditions within an accredited program, the department will notify the accrediting entity by the most expeditious means possible of any actions taken by the department with respect to certification enforcement.

**67.11(7) *Notification of complainant when complaint not investigated.*** The department will notify the complainant if the department does not investigate a complaint, including the reasons for not investigating the complaint.

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