

441—176.9(235B) Dependent adult abuse information disseminated.

176.9(1) Requests for information. Written requests for dependent adult abuse information by the subject of a report may be submitted to the county office of the department on the department-prescribed Form 470-0643 or 470-2444.

Oral requests for dependent adult abuse information may be made to the county office or the central registry when the person making the request believes that the information is needed immediately and the person is authorized to access the information, pursuant to the requirements of Iowa Code section 235B.7(2). If a request is made orally by telephone, a written request shall be filed within 72 hours of the oral request on the department-prescribed Form 470-0643. When an oral request to the county office to obtain dependent adult abuse information is granted by the central registry, the county shall document the approval to the central registry on the department-prescribed Form 470-0643.

All other requests for information shall be made to the central registry by mail or fax pursuant to the requirements of Iowa Code section 235B.7.

176.9(2) Verification of identity. The county office shall verify the identity of the person making the request on the department-prescribed Form 470-0643. Upon verification of the identity of the person making the request, the county office shall transmit the request to the central registry. The central registry shall verify the identity of persons making requests for information directly to the central registry by telephone, mail, or fax, or in person, on the department-prescribed Form 470-0643.

176.9(3) Approval of requests. The department shall grant access to dependent adult abuse information as authorized by Iowa Code section 235B.6. Upon approval of any request for dependent adult abuse information authorized by this rule, the department may withhold the name of the person who made the report of dependent adult abuse pursuant to Iowa Code section 22.7(18).

176.9(4) Requests concerning applicants for employment and employees of health care programs. A health care program making a request for dependent adult abuse information for the purpose of determining employability, as authorized by Iowa Code section 235B.6(2)“e”(6) and (7) and section 135C.33(6), shall request the information directly from the central registry or obtain the information from the single contact repository (SING).

Requests made directly to the central registry shall be made on the department-prescribed Form 470-0643.

Health care programs requesting dependent adult abuse background checks on employee applicants and employees by use of the SING shall complete the department-prescribed Form 470-3767. Form 470-3767 shall be signed by the administrator of the health care program and be sent to the central registry before receipt of the information from the department. The administrator shall agree not to disseminate dependent adult abuse information obtained through the SING, except as authorized in Iowa Code sections 235B.6 and 235B.8.

176.9(5) Requests concerning employees of department facilities. When a request is made by the hiring authority of a department operated facility which provides direct client care and the request is made for the purpose of determining continued employability of a person employed, with or without compensation, by the facility, the information shall be requested directly from the central registry. The information requested shall be disseminated to the personnel office of the department. The personnel office shall disseminate the information to the hiring authority for the person involved only upon a finding that the information has a direct bearing on employability of the person involved.

When the personnel office determines that the information has no direct bearing on employability, the hiring authority shall be notified that no job-related dependent adult abuse information is available. If the central registry and local office files contain no information, the hiring authority shall be so informed.

176.9(6) Dependent adult abuse information disseminated and redisseminated. Notwithstanding requests pursuant to Iowa Code section 235B.7, written requests and oral requests are not required for dependent adult abuse information that is disseminated to an employee of the department, a district court, the attorney representing the department as authorized by Iowa Code section 235B.6, or the office of the attorney general.

176.9(7) Required notification. The department will make a reasonable attempt to notify dependent adult abuse subjects as described in Iowa Code section 235B.6(2)“a” of the outcome of the dependent

adult abuse assessment or evaluation. The department shall subsequently send a written notice to the report subjects which will include information regarding the results, the confidentiality provisions of Iowa Code sections 235B.6 and 235B.12, and the procedures for correction or expungement and appeal of dependent adult abuse information as provided in Iowa Code section 235B.10.

176.9(8) *Mandatory reporter notification.* The department shall attempt to notify orally the mandatory reporter who made the report in a dependent adult abuse case of the results of the evaluation or assessment and of the confidentiality provisions of Iowa Code sections 235B.6 and 235B.12. The department shall subsequently transmit a written adult protective notification on a form prescribed by the department to each mandatory reporter who made the report. The form shall include information regarding the results of the evaluation or assessment and confidentiality provisions. A copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in Iowa Code section 235B.8.

176.9(9) *Subjects informed of abuse history.* The department may inform a subject of a dependent adult abuse report of a person's abuse history if the department determines at any time that disclosure is necessary for the protection of the dependent adult. A subject may be informed that a person is listed on the child or dependent adult abuse registry as having a founded abuse report or is listed on the sex offender registry.

[ARC 2427C, IAB 3/2/16, effective 5/1/16; ARC 4393C, IAB 4/10/19, effective 6/1/19; ARC 6966C, IAB 4/5/23, effective 6/1/23]