

481—66.4(1350) Complaints and investigations.**66.4(1) Complaints.**

a. The process for filing a complaint is as follows:

(1) Any person with a concern regarding the operation of a boarding home may file a complaint with the department in writing, by use of the complaint hotline at 1-877-686-0027 or through the department's website at dia.iowa.gov.

(2) When the nature of the complaint is outside the department's authority, the department shall forward the complaint to the appropriate investigatory entity.

(3) If other state agencies receive a complaint that relates to boarding homes, the agencies shall forward the complaint to the department.

b. The department shall act on anonymous complaints unless the department determines that the complaint is intended to harass the boarding home or is without a reasonable basis. If the department, upon preliminary review, determines that the complaint is intended to harass or is without a reasonable basis, the department may dismiss the complaint.

66.4(2) Content of complaint reports. The complaint shall include as much of the following information as possible: the complainant's name, address and telephone number; the complainant's relationship to the boarding home and tenant; and the reason for the complaint. The complainant's name and identifying information shall be confidential information and shall not be released by the department.

66.4(3) Initiation of investigations and time frames for investigation of complaints. Investigations may be initiated because of a complaint or other information received by the department. If the department determines there is probable cause to believe that a boarding home is an unregistered boarding home or that a registered boarding home is not in compliance with applicable law, an investigation shall be initiated. The department shall evaluate whether other local, state, or federal agencies, including law enforcement, should be provided a referral or included in the investigation. An investigation of the boarding home shall be initiated within 45 working days. If there is the likelihood of immediate danger, the department shall initiate an investigation of the boarding home within two working days of receipt of the complaint. If there is an allegation of harm, the department shall initiate an investigation of the boarding home within 20 working days of receipt of the complaint.

66.4(4) Standard for determining whether a complaint is substantiated. The department shall apply a preponderance of the evidence standard in determining whether a complaint is substantiated.

66.4(5) Notification of the boarding home or alleged boarding home of results of investigation. The department shall notify the boarding home or alleged boarding home, in writing, of the final report of the complaint investigation.

66.4(6) Notification of the complainant of results of investigation. The complainant, if known, shall be notified of the final findings of a complaint investigation. The complainant, if known, shall also be notified if the department determines not to investigate a complaint and shall receive an explanation of the department's decision.

[ARC 8243B, IAB 10/21/09, effective 1/1/10; ARC 7034C, IAB 5/31/23, effective 7/5/23]