

**441—106.1 (237C) Definitions.**

*“Administrator”* means the administrator of that division of the department designated by the director of human services to administer this chapter or the administrator’s designee.

*“Agency,”* unless otherwise provided by law, means an individual, corporation, limited liability company, business trust, estate, trust, partnership or association, or any other legal entity which provides care as a children’s residential facility.

*“Chemical restraint”* means the use of chemical agents, including psychotropic drugs, as a form of restraint.

*“Child”* or *“children”* means an individual or individuals less than 18 years of age.

*“Children’s residential facility”* means a private facility designed to serve children who have been voluntarily placed for reasons other than an exclusively recreational activity outside of their home by a parent or legal guardian and who are not under the custody or authority of the department of human services, juvenile court, or another governmental agency, that provides 24-hour care, including food, lodging, supervision, education, or other care on a full-time basis by a person other than a relative or guardian of the child, but does not include an entity providing any of the following:

1. Care furnished by an individual who receives the child of a personal friend as an occasional and personal guest in the individual’s home, free of charge and not as a business.
2. Care furnished by an individual with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.
3. Child care furnished by a child care facility as defined in Iowa Code section 237A.1.
4. Care furnished in a hospital licensed under Iowa Code chapter 135B or care furnished in a health care facility as defined in Iowa Code section 135C.1.
5. Care furnished by a juvenile detention home or juvenile shelter care home approved under Iowa Code section 232.142.
6. Care furnished by a child foster care facility licensed under Iowa Code chapter 237.
7. Care furnished by an institution listed in Iowa Code section 218.1.
8. Care furnished by a facility licensed under Iowa Code chapter 125.
9. Care furnished by a psychiatric medical institution for children licensed under Iowa Code chapter 135H.

*“Control room”* means a locked room used for treatment purposes.

*“Department”* means the Iowa department of human services.

*“Mechanical restraint”* means restriction of a child’s mobility or ability to use the child’s hands, arms, or legs by the use of a mechanical device.

*“Physical restraint”* means direct physical contact required on the part of a staff member to prevent a child from hurting self, others, or property.

*“Prone restraint”* means a physical restraint in which a child is held face down on the floor.

*“Staff”* means any person providing care or services to or on behalf of the facility whether the person is an employee of the facility, an independent contractor or any other person who contracts with the facility, an employee of an independent contractor or any other person who contracts with the facility, or a volunteer.

[ **ARC 3007C** , IAB 3/29/17, effective 5/3/17]