

**481—51.7 (135B) Abuse.****51.7(1) Definitions.**

“*Abuse*” means the willful infliction of injury, unreasonable confinement, intimidation, or punishment, with resulting physical harm, pain or mental anguish. Neglect is a form of abuse and is defined as the failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness.

“*Child abuse*” means the same as provided for in Iowa Code section 232.68.

“*Dependent adult abuse*” means the same as provided for in Iowa Code section 235E.1.

“*Domestic abuse,*” as defined in Iowa Code section 236.2, means the commission of assault under any of the following circumstances:

1. The assault is between family or household members who resided together at the time of the assault;
2. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault;
3. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time; or
4. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.

“*Elder abuse*” means the same as provided for in Iowa Code section 235F.1.

“*Family or household members,*” as defined in Iowa Code section 236.2, are spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity, except children under the age of 18.

**51.7(2) Abuse prohibited.** Each patient shall receive kind and considerate care at all times and shall be free from all forms of abuse or harassment.

- a. Restraints shall be applied only when they are necessary to prevent injury to the patient or to others and shall be used only when alternative measures are not sufficient to accomplish their purposes.
- b. There must be a written order signed by the attending physician approving the use of restraints either at the time they are applied or as soon thereafter as possible.
- c. Careful consideration shall be given to the methods by which the restraints can be speedily removed in case of fire or other emergency.

**51.7(3) Hospital response to domestic abuse.** Each hospital shall establish and implement protocols with respect to victims of domestic abuse.

- a. The policies and procedures shall at a minimum provide for:
  - (1) An interview with the victim in a place that ensures privacy;
  - (2) Confidentiality of the person’s treatment and information;
  - (3) Sharing of information regarding the domestic abuse hotline and programs; and
  - (4) Education of appropriate emergency department staff to assist in the identification of victims of domestic abuse.
- b. The treatment records of victims of domestic abuse shall include:
  - (1) An assessment of the extent of abuse to the victim specifically describing the location and extent of the injury and reported pain;

- (2) Evidence that the victim was informed of the telephone numbers for the domestic abuse hotline and domestic abuse programs, and the victim's response;
- (3) A record of the treatment and intervention by health care provider personnel;
- (4) A record of the need for follow-up care and specification of the follow-up care to be given (e.g., X-rays, surgery, consultation, similar care); and
- (5) The victim's statement of how the injury occurred.

**51.7(4)** *Hospital response to elder abuse.* Each hospital shall establish and implement protocols with respect to victims of elder abuse.

*a.* The policies and procedures shall at a minimum provide for:

- (1) An interview with the victim in a place that ensures privacy;
- (2) Confidentiality of the person's treatment and information; and
- (3) Education of appropriate emergency department staff to assist in the identification of victims of elder abuse.

*b.* The treatment records of victims of elder abuse shall include:

- (1) An assessment of the extent of abuse to the victim specifically describing the location and extent of the injury and reported pain;
- (2) A record of the treatment and intervention by health care provider personnel;
- (3) A record of the need for follow-up care and specification of the follow-up care to be given (e.g., X-rays, surgery, consultation, similar care); and
- (4) The victim's statement of how the injury occurred.

**51.7(5)** *Mandatory reporting of child abuse and dependent adult abuse.* Each hospital shall ensure that written policies and procedures cover all requirements for the mandatory reporting of abuse pursuant to the Iowa Code. Each hospital shall provide that the treatment records of victims of child abuse or dependent adult abuse include a statement that the department of human services' protective services was contacted.