

441—22.1(225C) Definitions.

“*Administrative law judge*” means an employee of the Iowa department of inspections and appeals who conducts compliance hearings.

“*Administrative remedy*” or “*administrative review process*” means the procedures of any agency or organization which are designed to provide a person affected by actions of that agency or organization with a mechanism for resolving conflict between the person and the agency or organization.

“*Age-appropriate*” refers to activities, settings, personal appearance and possessions commensurate with the person’s chronological age.

“*Aggrieved party*” means a person with mental retardation, a developmental disability, or chronic mental illness who has been receiving services and who believes that those services have not been delivered in accordance with the standards adopted by the commission pursuant to Iowa Code section 225C.27.

“*Authorized representative*” means the aggrieved party’s legal representative or designee.

“*Commission*” means the mental health and mental retardation commission.

“*Compliance hearing*” means the process for determining if services have been delivered in accordance with the guidelines established in the standards in this chapter.

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

“*Director*” refers to the director of the Iowa department of human services.

“*Division*” means the division of mental health and developmental disabilities of the Iowa department of human services.

“*Individualization*” means promoting self-expression and differentiation from others.

“*Individual program plan*” means a written plan for the provision of services to the person and, when appropriate, to the person’s family, that is developed and implemented, using an interdisciplinary process, and which identifies a person’s and, when appropriate, the person’s family’s functional status, strengths and needs, and service activities designed to enable a person to maintain or move toward independent functioning. The plan identifies anticipated outcomes for services and the steps necessary to achieve those outcomes.

“*Informed consent*” means an agreement by a person, or by the person’s legally authorized representative, to participate in an activity based upon an understanding of:

1. A full explanation of the procedures to be followed, including an identification of those that are experimental.
2. A description of the attendant discomforts and risks.
3. A description of the benefits to be expected.
4. A disclosure of appropriate alternative procedures that would be advantageous for the person.

“*Interdisciplinary process*” means an approach to assessment, individual program planning, and service implementation in which planning participants function as a team. Each participant, utilizing the skills, competencies, insights, and perspectives provided by the participant’s training and experience, focuses on identifying the strengths and the service needs of the person and the person’s family. The purpose of the process is for participants to review and discuss, face-to-face, all information and recommendations and to reach decisions as a team. Participants share all information and recommendations, and develop as a team, a single integrated individual program plan to meet the person’s and, when appropriate, the person’s family’s needs.

“*Interdisciplinary team*” means the group of persons who develop a single, integrated individual program plan to meet the person’s needs for services. (See 22.4(9)“h”(1).)

“*Issues of fact*” means disputed issues of facts or of the application of state or federal law or policy to the facts of the person’s individual situation.

“*Issues of law or policy*” means issues of the legality, fairness, equity, or constitutionality of state or federal law or agency policy where the facts and applicability of the law or policy are undisputed.

“*Least restrictive environment*” means the environment in which the interventions in the lives of people with mental retardation, developmental disabilities, or chronic mental illness can be carried out with a minimum of limitation, intrusion, disruption, and departure from commonly accepted patterns of living.

It is the environment which allows persons to participate to the fullest extent possible for each person in everyday life and to have control over the decisions that affect them. It is the environment that provides needed supports in such a way that they do not unduly interfere with personal liberty and a person's access to the normal events of life.

"Level of functioning" means a person's current physiological and psychological status and current academic, community living, self-care, and vocational skills.

"Mental health problem" means an emotional symptom, situational reaction or problem in living. These are difficulties in adjusting to stress or new situations.

"Normalization" means a process of helping persons, in accordance with their needs and preferences, to achieve a lifestyle that is consistent with the norms and patterns of general society and in ways which incorporate the principles of age-appropriate services and least restrictive environment.

"Personnel training" means an organized program to prepare all personnel to perform assigned duties competently and maintain and improve the competencies of all personnel.

"Persons with a brain injury" means persons 21 years of age and over with clinically evident brain damage or spinal cord injury resulting from trauma which permanently impairs the individual's physical or cognitive functions and causes the individual to meet the federal criteria for a person with a developmental disability except for age of onset of the disability.

"Persons with a mental illness" means persons who meet the criteria for a diagnosis of a mental illness as defined in the Diagnostic and Statistical Manual, Third Edition—Revised (DSM III-R). Diagnoses which fall into this category include, but are not limited to, the following: schizophrenia, major depression, manic depressive (bipolar) disorder, adjustment disorder, and personality disorder. Also included are organic disorders such as dementias, substance-induced disorders, and other organic disorders which include physical disorders such as brain tumors. Persons with certain DSM III-R diagnoses as follows are not considered to have a mental illness.

1. Persons with a V Code diagnosis only. This diagnosis includes conditions that are not a mental disorder but are a focus of treatment, such as marital problems, occupational problems, parent-child problems, or other "phase of life" problems.
2. Persons with a psychoactive substance use disorder diagnosis only.
3. Persons with a developmental disorder diagnosis only. This includes mental retardation, autism, and academic disorders.

"Persons with chronic mental illness" means persons 18 and over, with a persistent mental or emotional disorder that seriously impairs their functioning relative to such primary aspects of daily living as personal relations, living arrangements, or employment.

Persons with chronic mental illness typically meet at least one of the following criteria:

1. Have undergone psychiatric treatment more intensive than outpatient care more than once in a lifetime (e.g., emergency services, alternative home care, partial hospitalization or inpatient hospitalization).
2. Have experienced at least one episode of continuous, structured supportive residential care other than hospitalization.

In addition, these persons typically meet at least two of the following criteria, on a continuing or intermittent basis for at least two years:

1. Are unemployed, or employed in a sheltered setting, or have markedly limited skills and a poor work history.
2. Require financial assistance for out-of-hospital maintenance and may be unable to procure this assistance without help.
3. Show severe inability to establish or maintain a personal social support system.
4. Require help in basic living skills.
5. Exhibit inappropriate social behavior which results in demand for intervention by the mental health or judicial system.

In atypical instances, a person may vary from the above criteria and could still be considered to be a person with chronic mental illness.

(Adapted from the National Institute of Mental Health's Definition and Guiding Principles for Community Support Systems, revised May 1983)

"Persons with developmental disabilities" means persons with a severe, chronic disability which:

1. Is attributable to mental or physical impairment or a combination of mental and physical impairments.
2. Is manifested before the person attains the age of 22.
3. Is likely to continue indefinitely.
4. Results in substantial functional limitations in three or more of the following areas of life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency.
5. Reflects the person's need for a combination and sequence of services which are of lifelong or extended duration.

(Adapted from Public Law 99-527, Developmental Disabilities Act of 1984)

"Persons with mental retardation" means persons who meet the following three conditions:

1. Significantly subaverage intellectual functioning: an intelligence quotient (IQ) of approximately 70 or below on an individually administered IQ test (for infants, a clinical judgment of significantly subaverage intellectual functioning) as defined by the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, American Psychiatric Association.
2. Concurrent deficits or impairments in present adaptive functioning (i.e., the person's effectiveness in meeting the standards expected for the person's age by the person's cultural group) in at least two of the following areas: communication, self-care, home living, social and interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety.
3. The onset is before the age of 18.

(Criteria from "Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV)," 1994 revision, American Psychiatric Association)

"Program" means a set of related resources and services directed to the accomplishment of a fixed set of goals and objectives for any of the following:

1. Target populations.
2. The population of specified geographic area(s).
3. A specified purpose.
4. A person.

"Service coordinator" (case manager) means the person responsible for ensuring the development and monitoring of the implementation of the person's individual program plan.

"Subject of the hearing" means the individual, agency or organization whose actions are the basis of the request for the compliance hearing.

"Work" means any activity that provides goods or services for wages.