



# Iowa Department of Human Services

Kim Reynolds  
Governor

Adam Gregg  
Lt. Governor

Jerry R. Foxhoven  
Director

December 10, 2018

Charles Smithson  
Secretary of Senate  
State Capitol Building  
LOCAL

Carmine Boal  
Chief Clerk of the House  
State Capitol Building  
LOCAL

Dear Ms. Boal and Mr. Smithson

Enclosed please find a copy of a report to the General Assembly relative to the Mandatory Reporter Training and Certification Workgroup Report.

This report was prepared pursuant to the directive contained in 2018 Iowa Acts, Chapter 1165, Section 92 (SF 2418).

Sincerely,

Mikki Stier  
Deputy Director

MS: mm

Enclosure

Kim Reynolds, Governor  
Senator Amanda Ragan  
Senator Mark Costello  
Representative David Heaton  
Representative Lisa Heddens  
Legislative Service Agency  
Kris Bell, Senate Democrat Caucus  
Josh Bronsink, Senate Republican Caucus  
Natalie Ginty, House Republican Caucus  
Kelsey Thien, House Democrat Caucus

# Iowa Department of Human Services



## *Mandatory Reporter Training and Certification Workgroup Report*

December 2018

## Table of Contents

Executive Summary.....	2
Recommendations.....	3
Recommendation Details.....	4
Public Comment of Note.....	12
Supplemental Changes.....	14
Workgroup Members.....	15
ExOfficio (nonvoting) Members.....	15
Appendices.....	16

## Executive Summary

*To the Governor and members of the Iowa General Assembly:*

*The workgroup on Iowa's mandatory reporter training and certification came together pursuant to the direction of 2018 Iowa Acts, Chapter 1165, Section 92 (Senate File 2418): "The department of human services, in cooperation with the departments of education and public health, shall facilitate a study by a workgroup of stakeholders to make recommendations relating to mandatory child abuse and mandatory dependent adult abuse reporter training and certification requirements. The workgroup shall develop interdepartmental strategies for improving mandatory child abuse and mandatory dependent adult abuse reporter training and certification requirements. The workgroup shall consist of representatives from the departments of human services, education, public health, public safety, and human rights, the department on aging, and the office of the attorney general; a court appointed special advocate; and other experts the department of human services deems necessary. The membership of the workgroup shall also include four members of the general assembly. The legislative members shall serve as ex officio, nonvoting members of the workgroup, with one member to be appointed by each of the following: The majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. The workgroup shall submit a report with recommendations, including, but not limited to strategies developed and other proposed improvements, the governor and the general assembly on or before December 15, 2018."*

The workgroup conducted two half-day meetings, which resulted in recommendations that require legislative action for statutory changes. The members of the workgroup believe the recommendations will improve the consistency, accuracy, and effectiveness of Iowa's mandatory reporter training, leading to better identification and reporting of suspected abuse of children and dependent adults.

Members of the workgroup wish to thank the Iowa General Assembly, as well as the Governor, for creating the opportunity for this work to be done. Vulnerable children and dependent adults in Iowa depend upon the mandatory reporters of this state to help keep them safe and protect them from abuse.

## Recommendations

The following recommendations were voted on individually and approved unanimously by the workgroup for submission to, and consideration by, the Iowa Legislature. The details required to carry out the recommendations are included in the “Recommendation Details” section of this report.

**1. Require all mandatory reporters, as defined in Iowa Code sections 232.69, 235B.3, 235E.2, and IAC 441-175.23(2), to take a free training created and produced by the Department of Human Services (DHS) and allow specialty fields to provide supplemental training in addition to the core DHS Mandatory Reporter training.**

a. This recommendation would require the following:

- i. Fiscal support of \$20,000 for the DHS to create, host, and manage
- ii. Amendment of Iowa Code section 232.69
- iii. Amendment of Iowa Code section 235B.16
- iv. Repeal of Iowa Code section 135.11(24)
- v. Repeal of IDPH IAC 641-93

**2. Require mandatory reporter training for child abuse and dependent adult abuse to be two separate, two-hour trainings.**

a. This recommendation would require the following:

- i. Repeal of Iowa Code section 235B.16(5)(e)
- ii. Repeal of IDPH IAC 641-93

**3. Require mandatory reporter training frequency to increase from once every 5 years to every 3 years.**

a. This recommendation would require the following:

- i. Amendment of Iowa Code section 232.69(3)(b)
- ii. Amendment of Iowa Code section 235B.16(5)(b)
- iii. Amendment to DOE IAC 281-102.5(4)

## Recommendation Details

**1. Require all mandatory reporters, as defined in Iowa Code sections 232.69, 235B.3, 235E.2, and IAC 441-175.23(2), to take a free training created and produced by the Department of Human Services (DHS) and allow specialty fields to provide supplemental training in addition to the core DHS Mandatory Reporter training.**

a. This recommendation would require the following:

- i. Fiscal support of \$20,000 for the DHS to create, host, and manage the online training
  - The workgroup asks the legislature to fund the DHS for the initial \$20,000 to create, host, and manage the training for the first year. The DHS would absorb the cost of approximately \$3,000 annually thereafter to update and maintain the training.
- ii. Amendment of Iowa Code section 232.69(3)(c) and (d)
  - ~~c. If the person is an employee of a hospital or similar institution, or of a public or private institution, agency, or facility, the employer shall be responsible for providing the child abuse identification and reporting training. If the person is self-employed, employed in a licensed or certified profession, or employed by a facility or program that is subject to licensure, regulation, or approval by a state agency, the person shall obtain the child abuse identification and reporting training as provided in paragraph “d”.~~ The training relating to the identification and reporting of child abuse, as provided in paragraph “b”, shall be curriculum provided by the department.
  - d. ~~The person may complete the initial or additional training requirements as part of any of the following that are applicable to the person:~~
    - ~~(1) A continuing education program required under chapter 272C and approved by the appropriate licensing board.~~
    - ~~(2) A training program using a curriculum approved by the director of public health pursuant to section 135.11.~~
    - ~~(3) A training program using such an approved curriculum offered by the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.~~ Employers of the persons required to make a report may provide supplemental training, specific to identification and reporting of child abuse as it relates to their discipline, in addition to the core training provided by the department.
- iii. Amendment of Iowa Code section 235B.16(5)(c) and (d)



~~641—93.2(135) Panel. Rescinded ARC 1300C, IAB 2/5/14, effective 3/12/14.~~

~~641—93.3(135) Meetings. Rescinded ARC 1300C, IAB 2/5/14, effective 3/12/14.~~

~~641—93.4(135) Duties. The department shall perform the following duties:~~

- ~~1. Review and approve criteria for child and dependent adult abuse curricula for persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.~~
- ~~2. Conduct literature reviews and scrutinize existing research pertinent to its purpose.~~
- ~~3. Review curricula based on the criteria established in rule 93.5(135).~~
- ~~4. Report decisions regarding approvals or denials to applicants.~~
- ~~5. Review appeals as provided in rule 93.7(135).~~
- ~~6. Maintain a list of all approved curricula and distribute the list upon request.~~

~~641—93.5(135) Standards for approval of curricula. The following criteria are established to assist in evaluation of curricula. Nothing in this rule shall preclude providers from offering additional coursework, training, or information that exceeds or expands upon the curriculum prescribed by the department. At a minimum, approved curricula shall contain each of the following:~~

~~93.5(1) Content that necessitates at least two hours of training.~~

~~93.5(2) The definition of child abuse as defined in Iowa Code section 232.68(2) or the definition of dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.~~

~~93.5(3) Training in the physical, psychological, behavioral, environmental, and other relevant indicators of child abuse as defined in Iowa Code section 232.68(2) or dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.~~

~~93.5(4) Requirements and procedures for reporting suspected cases of abuse, including when to report, how to report, and to whom to report.~~

~~93.5(5) Review of the Code of Iowa and the Iowa Administrative Code pertaining to child or dependent adult abuse, including review of the classifications of mandatory reporters, confidentiality provisions, immunity provisions, and penalties for failure to report.~~

~~93.5(6) A description of the assessment protocol utilized by the department of human services and other investigating agencies following receipt of a report and the manner in which information is shared between the department of human services and the reporter, other relevant individuals, agencies, and entities.~~

~~93.5(7) An evaluation component to assess the understanding, knowledge, and skills acquired.~~

~~93.5(8) Resource materials or information in the following areas:~~

- ~~a. The causes and risk factors of child or dependent adult abuse;~~
- ~~b. Assisting individuals and families who have experienced child or dependent adult abuse, including information on local resources and available referral services;~~
- ~~c. Prevention of child or dependent adult abuse.~~

~~641—93.6(135) Process for application review and approval.~~

~~93.6(1) Submission and decision. An organization, institution, agency, or individual may submit an application for approval of curriculum on a form prescribed by the department. The application shall at a minimum demonstrate the manner in which the proposed curriculum meets the criteria in rule 93.5(135). Within three months of submission of an application, the department shall review the application and issue a written decision regarding the application. If each of the standards for approval has been satisfied, the department shall approve the curriculum for a period of three years and shall notify the applicant of the department's decision in writing. If the standards for approval have not been met, the department shall deny the curriculum and shall provide to the applicant a written explanation of the reason for denial.~~

~~93.6(2) Renewal. Within 90 days of expiration of the three year approval period, an applicant may apply for approval renewal by completing a renewal of application form provided by the department.~~

~~93.6(3) Additional information. The department may request additional information from the applicant or other individuals at any phase in the review process.~~

~~93.6(4) Evaluation of approved curriculum. The department may at any time reevaluate an approved curriculum. Upon evidence of a significant variation in the curriculum presented from the curriculum approved, the department may disapprove all or any part of the previously approved curriculum.~~

~~93.6(5) Amendment to approved curriculum. The department may require amendments to an approved curriculum based on legislative or administrative rule changes.~~

~~641—93.7(135) Process for appeal. A person aggrieved by a department decision may, within 30 days of receipt of the decision, appeal the decision by submitting a written appeal to the department which states the reason for the appeal. Within 60 days of receipt of the appeal, the department shall review the application and any additional information submitted. If the department finds that each of the standards for approval has been satisfied, the department shall approve the curriculum. If the standards for approval have not been met, the department shall deny the curriculum. The department shall provide a written explanation of the reasons for the approval or~~

~~denial of approval. This decision is the final action of the department and shall be considered final agency action for purposes of judicial review. The appeal review process is not a contested case proceeding as that term is defined in Iowa Code chapter 17A.~~

~~These rules are intended to implement Iowa Code section 135.11(24) as amended by 2013 Iowa Acts, Senate File 396, section 49.~~

## **2. Require mandatory reporter training for child abuse and dependent adult abuse to be two separate, two-hour trainings.**

a. This recommendation would require the following:

### iii. Repeal of Iowa Code section 235B.16(5)(e)

- ~~e. A person required to complete both child abuse and dependent adult abuse mandatory reporter training may complete the training through a program which combines child abuse and dependent adult abuse curricula and thereby meet the training requirements of both this subsection and section 232.69 simultaneously. A person who is a mandatory reporter for both child abuse and dependent adult abuse may satisfy the combined training requirements of this subsection and section 232.69 through completion of a two-hour training program, if the training program curriculum is approved by the appropriate licensing board or the director of public health pursuant to section 135.11.~~

### iv. Repeal of IDPH IAC 641-93

- CHAPTER 93 Rescinded

#### MANDATORY REPORTER TRAINING CURRICULA

~~641—93.1(135) Purpose. The purpose of the mandatory reporter training curricula process is to provide an objective method by which curricula for child and dependent adult abuse mandatory reporter training are reviewed and approved. Approved curricula are to be taught to persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.~~

~~641—93.2(135) Panel. Rescinded ARC 1300C, IAB 2/5/14, effective 3/12/14.~~

~~641—93.3(135) Meetings. Rescinded ARC 1300C, IAB 2/5/14, effective 3/12/14.~~

~~641—93.4(135) Duties. The department shall perform the following duties:~~

1. Review and approve criteria for child and dependent adult abuse curricula for persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.
2. Conduct literature reviews and scrutinize existing research pertinent to its purpose.
3. Review curricula based on the criteria established in rule 93.5(135).
4. Report decisions regarding approvals or denials to applicants.
5. Review appeals as provided in rule 93.7(135).
6. Maintain a list of all approved curricula and distribute the list upon request.

641—93.5(135) Standards for approval of curricula. The following criteria are established to assist in evaluation of curricula. Nothing in this rule shall preclude providers from offering additional coursework, training, or information that exceeds or expands upon the curriculum prescribed by the department. At a minimum, approved curricula shall contain each of the following:

- 93.5(1) Content that necessitates at least two hours of training.
- 93.5(2) The definition of child abuse as defined in Iowa Code section 232.68(2) or the definition of dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.
- 93.5(3) Training in the physical, psychological, behavioral, environmental, and other relevant indicators of child abuse as defined in Iowa Code section 232.68(2) or dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.
- 93.5(4) Requirements and procedures for reporting suspected cases of abuse, including when to report, how to report, and to whom to report.
- 93.5(5) Review of the Code of Iowa and the Iowa Administrative Code pertaining to child or dependent adult abuse, including review of the classifications of mandatory reporters, confidentiality provisions, immunity provisions, and penalties for failure to report.
- 93.5(6) A description of the assessment protocol utilized by the department of human services and other investigating agencies following receipt of a report and the manner in which information is shared between the department of human services and the reporter, other relevant individuals, agencies, and entities.
- 93.5(7) An evaluation component to assess the understanding, knowledge, and skills acquired.
- 93.5(8) Resource materials or information in the following areas:
  - a. The causes and risk factors of child or dependent adult abuse;
  - b. Assisting individuals and families who have experienced child or dependent adult abuse, including information on local resources and available referral services;
  - c. Prevention of child or dependent adult abuse.

~~641—93.6(135) Process for application review and approval.~~

~~93.6(1) Submission and decision. An organization, institution, agency, or individual may submit an application for approval of curriculum on a form prescribed by the department. The application shall at a minimum demonstrate the manner in which the proposed curriculum meets the criteria in rule 93.5(135). Within three months of submission of an application, the department shall review the application and issue a written decision regarding the application. If each of the standards for approval has been satisfied, the department shall approve the curriculum for a period of three years and shall notify the applicant of the department's decision in writing. If the standards for approval have not been met, the department shall deny the curriculum and shall provide to the applicant a written explanation of the reason for denial.~~

~~93.6(2) Renewal. Within 90 days of expiration of the three year approval period, an applicant may apply for approval renewal by completing a renewal of application form provided by the department.~~

~~93.6(3) Additional information. The department may request additional information from the applicant or other individuals at any phase in the review process.~~

~~93.6(4) Evaluation of approved curriculum. The department may at any time reevaluate an approved curriculum. Upon evidence of a significant variation in the curriculum presented from the curriculum approved, the department may disapprove all or any part of the previously approved curriculum.~~

~~93.6(5) Amendment to approved curriculum. The department may require amendments to an approved curriculum based on legislative or administrative rule changes.~~

~~641—93.7(135) Process for appeal. A person aggrieved by a department decision may, within 30 days of receipt of the decision, appeal the decision by submitting a written appeal to the department which states the reason for the appeal. Within 60 days of receipt of the appeal, the department shall review the application and any additional information submitted. If the department finds that each of the standards for approval has been satisfied, the department shall approve the curriculum. If the standards for approval have not been met, the department shall deny the curriculum. The department shall provide a written explanation of the reasons for the approval or denial of approval. This decision is the final action of the department and shall be considered final agency action for purposes of judicial review. The appeal review process is not a contested case proceeding as that term is defined in Iowa Code chapter 17A.~~

~~These rules are intended to implement Iowa Code section 135.11(24) as amended by 2013 Iowa Acts, Senate File 396, section 49.~~

### **3. Require mandatory reporter training frequency to increase from once every 5 years to every 3 years.**

a. This recommendation would require the following:

i. Amendment of Iowa Code section 232.69(3)(b)

- b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete two hours of training relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving the examination, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional child abuse identification and reporting training every ~~five~~ three years.

ii. Amendment of Iowa Code section 235B.16(5)(b)

- b. A person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2, other than a physician whose professional practice does not regularly involve providing primary health care to adults, shall complete two hours of training relating to the identification and reporting of dependent adult abuse within six months of initial employment or self-employment which involves the examination, attending, counseling, or treatment of adults on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional dependent adult abuse identification and reporting training every ~~five~~ three years.

iii. Amendment to DOE IAC 281-102.5(4)

- 102.5(4) Arrange for in-service training for the designated investigator and alternate. Initial training should be undertaken within six months of appointing a level-one investigator or alternate. Follow-up training should be undertaken at least once every ~~five~~ three years.

## Public Comment of Note

Representatives from the Iowa Hospital Association (IHA) read a letter to the workgroup at the October meeting which expressed their concerns with the recommendations, stating the proposed changes would lead to increased cost for hospitals (see Appendix P). IHA identified this cost was associated with the increased frequency for training, the two separate, two-hour trainings, and utilizing training created and produced by the DHS. Workgroup members inquired about the additional cost breakout and learned the cost was related to staff time.

Workgroup members offered potential solutions and cost saving strategies as well as a commitment to provide for as much technical solutions that are possible and affordable. Some of the cost benefits for agencies included the following:

- Employers of mandatory reporters currently pay to provide and continuously update the mandatory reporter curricula; the recommendations would eliminate that cost.
- With a minimal expectation between two and four total hours of training required every three years, it is reasonable that training, particularly since it would be available online, could be completed during the employees normal work hours or even outside of work hours.
- A training that is built in modules allows flexibility for mandatory reporters to complete the training as their work schedule allows.
- Employers would not be required to update training for all mandatory reporters at once. Mandatory reporters would be able to work from the date of their most current training and update as they come up for renewal.
- If discontinuation of the follow-up written reports of abuse allegations made by mandatory reports, which are currently required after an oral report of suspected abuse has already been made, were approved, the cost associated with the time mandatory reporters spend on writing and sending in the reports would be eliminated.
- Most if not all Learning Management Systems (LMS) allow for external trainings/certifications to be added manually at no additional programming cost and within minimal time for the employee.

- The DHS is invested in identifying solutions to any perceived barriers.

IHA acknowledged the need for the recommendations brought forth by the workgroup, but expressed a desire to be excluded; identifying that hospital practices in mandatory reporting are sufficient. In response, workgroup members shared concerns if any mandatory reporters were to be exempt, including hospitals, for the following reasons:

- Health care providers are one of DHS' most critical partners, as they intersect with victims of abuse at some of the most crucial times and cannot afford to be outside the efforts to remarkably improve mandatory reporting.
- It is a holistic problem that mandatory reporter training currently being used is outdated and rarely reflects the current updates. Hospitals are not excluded from that concern.
  - Workgroup members identified feedback they had received from mandatory reporters (hospitals and doctors included) acknowledging that some trainings they participated in were still on a VHS tape cassette.
- Mandatory reporters have misconceptions about what to report and when to report it.
  - The DHS continuously educates mandatory reporters (including hospital staff and other health care providers) on the information needed to meet abuse criteria.
  - A previous review by the state task force/Child Protection Council supported the need for continued conversations to clarify misconceptions held by health care providers.
    - The review came about after concerns from the medical community were expressed that the DHS was incorrectly rejecting their reports of suspected abuse. The review confirmed the intake decisions were accurate and that it was a matter of the mandatory reporter being misinformed about what constituted an allegation of abuse.

Ultimately workgroup members were adamant that the welfare of children and dependent adults outweighed the concern regarding the cost of doing business.

Highlighting some of the more recent child fatalities in this state due to abuse, it was emphasized that nothing is more important than protecting children and the elderly; those who are the most vulnerable citizens of this state.

## Supplemental Changes

In addition to the recommendations for legislative consideration identified in this report, the DHS also informed the workgroup of several relevant changes to improve mandatory reporting of child abuse and dependent adult abuse, including the following:

- A dedicated webpage for mandatory reporters on the DHS website
- Updates to resources available specifically for mandatory reporters
  - Child Abuse: A Guide for Mandatory Reporters, Comm.164
  - Dependent Adult Abuse: A Guide for Mandatory Reporters, Comm.118
- Mandatory Reporter Releases, identifying changes within the child and dependent adult programs which impact mandatory reporters
  - If recommendation number 1 (which requires mandatory reporters to take the core training provided by the DHS) is approved, the DHS could also email these releases to the mandatory reporters registered within the DHS' Learning Management System
- A pre-file by the DHS to remove the requirement for mandatory reporters to submit a written report following an oral report of suspected child abuse
- An updated practice requirement that DHS Child Protective Workers must call the mandatory reporter back to ensure they understood all of the concerns reported and ask any additional questions they had
  - The workers assigned the assessment are most often not the same worker who took the call from the reporters
  - This is currently best practice guidance, but will now be mandatory
  - The child welfare information system will track this contact

## Workgroup Members

<b>Name</b>	<b>Agency</b>	<b>Job Title</b>
Janee Harvey	Department of Human Services	Bureau Chief of Child Welfare & Community Services
Roxanne Riesberg	Department of Human Services	Child Protection Program Manager
Catherine Stack	Department of Human Services	Dependent Adult Protection Program Manager
Eric Heitz	Department of Education	School Improvement Consultant
Karin Ford	Department of Public Health	Community Health Consultant
Bret Braafhart	Department of Public Safety	Special Agent in Charge
Sonya Streit	Department of Human Rights	Executive Officer 2
Ben Mulford	Department on Aging	Elder Abuse Prevention and Awareness, Legal Assistance Development
Katy Lang	Office of the Attorney General	Assistant Attorney General
Amy Carpenter	Court Appointed Special Advocate	Deputy Administrator, CASA Program Manager Iowa Child Advocacy Board
Joni Klaassen	Department of Inspections and Appeals	Bureau Chief of Complaint/Incident Bureau
Kerstin Marnin	Iowa Professional Society on the Abuse of Children (IAPSAC)	IAPSAC President
Liz Cox	Prevent Child Abuse Iowa	Executive Director

## ExOfficio (nonvoting) Members

<b>Name</b>	<b>Appointed by</b>
Senator Mark Segebart	Senate Majority Leader
Senator Herman Quirnbach	Senate Minority Leader
<b>TBD</b>	Speaker of the House
Representative Marti Anderson	House Minority Leader

## Appendices

A webpage for the workgroup, which includes all of the documents below, is available on the DHS website at: <https://dhs.iowa.gov/about/advisory-groups/childwelfare/mandatory-reporter-training-and-certification-workgroup>.

- A. [2018 Iowa Acts - Senate File 2418](#)
- B. [Workgroup Agenda-9-24-18](#)
- C. [Workgroup Minutes 9-24-18](#)
- D. [Workgroup Charter](#)
- E. [Child Abuse - DHS Legal-Citations](#)
- F. [Dependent Adult Abuse - DHS Legal Citations](#)
- G. [Mandatory Reporter Training Curricula - DPH Legal Citations](#)
- H. [Procedures - DOE Legal Citations](#)
- I. [IAPSAC MRT Paper Final with addendum 2018](#)
- J. [DHS presentation](#)
- K. [IDPH presentation](#)
- L. [IAPSAC presentation](#)
- M. [Workgroup Agenda 10-22-18](#)
- N. [Workgroup Minutes 10-22-18](#)
- O. [Workgroup Recommendations](#)
- P. [IHA Letter](#)