



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

December 23, 2013

Michael Marshall
Secretary of the Senate
State Capitol Building
LOCAL

Carmine Boal
Chief Clerk of the House
State Capitol Building
LOCAL

Dear Mr. Marshall and Ms. Boal:

Enclosed please find the Dependent Adult Abuse Registry Report.

This report was prepared pursuant to Iowa Code Section 235B.13(2).

This report is also available on the Department of Human Services website at
<http://www.dhs.iowa.gov/Partners/Reports/LegislativeReports/LegisReports.html>.

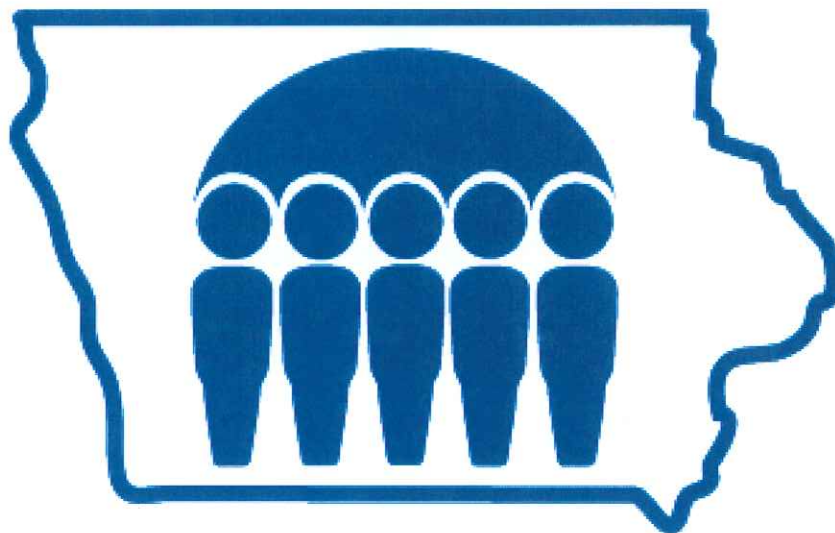
Sincerely,

Jennifer Davis Harbison
Policy Advisor

Enclosure

cc: Governor Terry E. Branstad
Senator Jack Hatch
Senator David Johnson
Representative David Heaton
Representative Lisa Heddens
Legislative Services Agency
Aaron Todd, Senate Majority Staff
Josh Bronsink, Senate Minority Staff
Carrie Malone, House Majority Staff
Zeke Furlong, House Minority Staff

Iowa Department of Human Services



Dependent Adult Abuse Registry Report Calendar Year 2012

December 2013

Executive Summary:

Iowa Code 235B.13 (2) requires the Department of Human Services to report annually on the administrative operations and data relevant to Dependent Adult information in the registry.

Introduction:

Iowa Code 235B.13(2) requires the Department of Human Services to report annually on its administrative operation, including information as to the number of request for dependent adult abuse date, the proportion of request attributable to each type of authorized access, the frequency and nature of irregularities, and other pertinent matters.

Overview:

The Central Abuse Registry is an electronic database used to store report data and disposition data, in accordance with Iowa Code 235B.5 relating to a particular case of alleged abuse which has been determined to be founded dependent adult abuse. This database is part of the Iowa Dependent Adult Abuse System. The Department of Human Services maintains the Registry at the central administrative offices in Des Moines, Iowa.

The Department collects, maintains, and disseminates dependent adult abuse information from the Registry as provided in Iowa Code section 235B. The Registry contains the names of dependent adult abuse victims and the names of persons responsible for the dependent adult abuse and links these names to the type of abuse identified in the Dependent Adult Abuse report.

The existence of the Registry is imperative for the protection of victims and potential victims of Dependent Adult abuse by serving as a single, statewide source of dependent adult abuse data. This data is also used to facilitate research on dependent adult abuse and as an employment-screening tool for authorized employers and licensing boards. Iowa Code section 235B.6 specifies who has authorized access to the dependent adult abuse data on the Registry.

As a central, front door component of the Registry, the Department of Human Services maintains a toll-free telephone line (1-800-362-2178), which is available on a twenty-four hour a day, seven day a week basis. The Department staff and all other persons may use this line to report cases of suspected adult abuse.

Upon receipt of a report of suspected dependent adult abuse, the records of the Registry are searched to determine if the records reveal any previous report of adult abuse involving the same adult, or any other adult in the same family, or the person alleged responsible, or other pertinent information with respect to those individuals. This information is provided to the appropriate Department personnel and law enforcement if applicable.

Law Changes Impacting Dependent Adult Abuse:

CY 1983

Dependent Adult Abuse Codified.

CY 1987

Dependent Adult Multidisciplinary Teams Codified.

CY 1991

Authorized access to Dependent Adult Abuse information was identified; Sealing and Expungement of records was established; Annual Report established.

CY 1993

DIA began managing all Dependent Adult Abuse reports for facilities; Self-denial of critical care no longer placed on the Registry.

CY 1994

The Definition of assault added to physical abuse - injury no longer necessary.

CY 1995

Sexual Exploitation of Dependent Adult resident of a facility codified.

CY 1996

Dependent Adult Notification of rights; Provision of protective services when caretaker refuses; Clarification of criminal charges for dependent adult abuse.

CY 1997

Dependent Adult Protective Advisory Council is established; State begins mandatory criminal and abuse background checks on prospective employees of health care programs.

CY 1998

Assessment Task Force, Senate File 2410.

CY 2002

Elder Abuse Initiative service program begins; Abuse Education Review Panel for Mandatory Reporter Training curriculum.

CY 2005

Dependent Adult abuse data is available on the DHS public website.

CY 2006

“Confirmed” disposition codified. Does not require placement on Registry.

CY 2008

Department of Inspections and Appeals (DIA) establishes Dependent Adult Abuse Code 235E for entities licensed and certified by DIA.

CY 2009

Dependent Adult Information System Implemented; Dependent Adult Abuse Risk Assessment Tool developed by DAPAC (Dependent Adult Protective Advisory Council).

CY 2010

Department initiation of an Emergency order requires a notice of action to the Dependent Adult (DA) and a competent adult related to the DA.

Dependent Adult Abuse Record Checks:

In accordance with Iowa Code, the Department processes Registry requests for dependent adult abuse background checks for employers, licensing, registration, and certification. In addition the Department complete background checks for the general public with signature authorization of the individual. In 2012, the Department manually processed 24,416 requests for dependent adult abuse information.

In addition to Registry requests that are manually processed, authorized employers have access to the Single Contact Repository (SING*) application to perform background checks with report whether there is or is not a "hit" on the Registry for the potential employee. SING does not provide the details as to the type of abuse or the circumstances surrounding the abuse. If the potential employers of a statutorily defined program requests approval to hire, the Department will review criteria as defined in Iowa Administrative Code and indicate whether the employee is or is not prohibited from serving in the specific employment role based upon the registry placement. In 2012 there were 177,558 total requests through SING.

Manual and SING requests totaled 201,974 Registry requests for dependent adult abuse information. The Department is also responsible for the Registry for Child Abuse record checks and record maintenance.

A historical overview of how the record check process has evolved over time is provided below:

SFY 1996

- The field offices begin processing dependent adult abuse record checks in the local offices for day care registration, day care center licensure, adoption and foster care. This process became necessary as a result of the significant time period for the Registry to process the employment checks due to the increasing volume of checks. Local office record checks processing continues to the present.
- Iowa Code 235B.6 was amended to implement the Open Registry law. This law allows anyone to check the Dependent Adult abuse record of another with that person's authorization. Data regarding this access and usage method by the public is provided in the table below entitled Authorizations to Release Child Abuse Information.

*(SING) is an internet application developed and sponsored by the State Department of Administrative Services / Information Technology Enterprise that allows registered users to perform background checks on potential employees, volunteers, and students doing clinicals, from a single web screen. The application lets a user check Iowa criminal history, three abuse registries (child, dependent adult, and sex offender), and over 40 Public Health professional license types from one click on the screen.

SFY 2001

- Iowa Code 235B.6 was amended to add school districts to the authorized list of entities with access for employee and volunteer record checks. Access was also added for professional licensing boards.

SFY 2002

- Iowa Code 235B was amended to increase access to the Registry.
- Iowa Code 235B.6 was amended to add hospitals to the authorized list of entities with access for current and prospective employee record checks.

SFY 2004

- Iowa Code 235B.6 was amended to eliminate the Registry review requirement in the appeal process. A person appealing a founded abuse report is no longer required to have a Registry review decision in order to proceed to an administrative hearing. All appeals are processed through DHS Appeals Division.

SFY 2005

- Iowa Code 235B.6 was amended to allow access by providers of care for dependent adults who are victims of abuse or to the records of persons responsible for abuse. Access was also added for the a federal, state or local governmental unit or agency of the unit that has a need for information in order to carry out its responsibilities under law to protect dependent adults from abuse and neglect.

SFY 2006

- Iowa Code 235B.6 was amended to allow access by nursing school programs and mandate the Board of Educational Examiners to submit child abuse record checks.

SFY 2012

- Iowa Code 135C.33 (Senate File 2164) was amended to allow for an exemption from requirements of reevaluation of record checks for health care facility employment if an evaluation by the Department previously approved employment and current record checks do not indicates a crime was committed or founded abuse record was entered subsequent to that evaluation.
- Iowa Code 237A.5 (Senate File 2164) was amended to add that a person employed by a child care facility or child care home provider who is hired by another child care facility or child care home provider, shall be subject to a record check. This amendment also allowed for an exemption from any requirements for reevaluation of record checks if an evaluation by the Department previously approved employment and current record checks do not indicate there is a transgression that was committed subsequent to that evaluation.

SFY 2013

- Iowa Code 135B.34 (Senate File 347) was amended to allow a person convicted of a crime, a simple misdemeanor offense under section 123.47 or chapter 321 and to a crime that is a first offense of operating a vehicle while intoxicated under section 321J.2, subsection 1, if employed by a hospital licensed under chapter 135B not receive a subsequent evaluation if the provisions within the law are met. In addition, 135C.33 allows a licensee to employ a person or for a person to attend certified nurse aid training programming for up to 60 days pending completion of the evaluation if certain provisions within the law are met.

Data Summary:

The Department processed 3,388 requests for entities with authorized access for employment and licensure. This includes a check and documentation on an individual's abuse record or provision of the written report. The following table indicates the types of requests received.

Requests for Dependent Adult Abuse Information:

The data below is gathered from the Single contact Repository (SING)

Fiscal Year	Employment	College	Other	Total
2012	2733	457	220	3388

Record checks for child care home providers and licensed center staff are processed by the county offices are not included in the totals indicated in the table above. The foster parents and adoptive parent record checks processed by the county offices are also not included in the total number of requests for child abuse information.

Authorization for the Release of Dependent Adult Abuse Information:

The public is allowed to submit a request for information on an individual if that individual provides signature authorization. The Department processed 21,028 requests from the entities identified in the table below.

The data below is gathered from the Central Abuse Registry:

Fiscal Year	Churches	Medical Facilities	Employment	Volunteer	Schools	Other	Total*
2012	3	0	13,142	1,518	6,262	103	21,028

General Dependent Adult Abuse Data and Findings:

The data below is gathered from the Iowa Dependent Adult Abuse System:

Fiscal Year	Assessments	Abuse Founded	Abuse Unfounded	Abuse Confirmed Not Registered
2012	2374	359	1937	78
2011	2804	366	2366	72
2010	2571	613	1866	92
2009	1891	368	1491	32

The data counts each report of Dependent Adult neglect and abuse. Each report addresses one adult; this data counts only the report - or assessment.

Conclusion:

The Central Abuse Registry includes a statewide listing of persons who were found to have abused or neglected a Dependent Adult. Access to the registry is limited to the Department for purposes of obtaining information for the "investigation" of Dependent Adult Abuse, background checks, and other uses permitted by law. Iowa Code section 235B.6 (2) (a) and Iowa Administrative Code 441 (176.10) (3) and 176.10(6).

The annual Dependent Adult Registry Report provides the General Assembly with non-confidential data related to the purpose of the registry and serves as a tool for ongoing data analysis.

The number of Dependent Adult Abuse assessments has fluctuated year to year with no identified trending. High profile cases and community awareness during the fiscal year 2010 and fiscal year 2011 contributed to an increase in assessments.

Baseline data for "Requests for Dependent Adult Abuse information" began in fiscal year 2012 and will be monitored ongoing as future fiscal year data is available.