STATE OF IOWA

Office of Ombudsman

2015 ANNUAL REPORT

Issued April 1, 2016

This annual report about the exercise of the Office of Ombudsman functions during the 2015 calendar year is submitted to the Iowa General Assembly and the Governor pursuant to Iowa Code section 2C.18.

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As a step in combatting the perilous impersonality of government and in giving citizens a renewed sense of direct participation in their government, the office of ombudsman should be established, subject to appointment by the Governor and confirmation by the Senate. The concept has a 160-year history of success, beginning in Sweden and recently under consideration in more than half of our fifty states. An ombudsman would serve as a channel for redressing individual grievances which are beyond the reach of present court procedures and leave many people voiceless. Additionally, the ombudsman would analyze grievances and seek better administration of public agencies. He would improve the performance of legislative functions through identification and recurring problems which may require corrective legislation. Finally, experience has shown that an ombudsman improves the morale of public servants and increases public confidence in them, by ventilating unfounded criticism and rejecting unfounded complaints.

Honorable Robert D. Ray
Governor of Iowa
First Inaugural Message
January 16, 1969

Ombudsman's Message: What I Believe

Kristie Hirschman
Acting Ombudsman

My name is Kristie Hirschman and I was named Acting Ombudsman on January 1, 2016. I have had the privilege of working as an assistant in this office for over 20 years under the tutelage of William Angrick and Ruth Cooperrider. I would like to take this opportunity to share my beliefs about the Office of Ombudsman and the challenges that lie ahead for this office.

I believe the Ombudsman serves as the eyes and ears of legislators and citizens to identify problems that need fixing and processes that need improvement. We help ensure fairness and justice in bureaucracy by improving state and local government through constructive criticism and reasoned recommendations.

I believe we are a valuable resource for the people who contact us. We help them understand rules and regulations, and we educate them about their rights and their options.

I believe many of our complainants just want someone to listen to their problem.

I believe that the majority of government employees in Iowa feel a genuine responsibility to serve citizens with the resources available to them. Their jobs are often not easy.

I believe government agencies should welcome our inquiries and work cooperatively with our office. I am convinced that our office saves government agencies time, litigation, and money. In many cases, we inform complainants that the government agency they encountered acted correctly and reasonably. Where we do find problems, we help government agencies improve their operations by reminding them of their responsibilities and correcting missteps.

I believe that many of the errors or oversights made by government employees are honest mistakes. As in every profession, there are those who twist the truth or intentionally ignore the law. It is our job to right those wrongs if we can.

I believe the complaints we receive are getting tougher to sort out, due in part to the complexity of laws and rules.

I believe that a larger share of people we hear from suffer from some sort of mental illness. This observation is based on what complainants share with us and what their records show. A contributor to this trend is the fact that our prisons and jails have become warehouses for the mentally ill. Whether they are incarcerated or not, those with mental illness are a vulnerable population and are not always able to articulate their problems or advocate on their own behalf.

I also believe complainants are angrier and more frustrated than they have been in past years.

I believe our office will receive complaints about managed Medicaid from consumers and providers because we already receive complaints about state-managed medical assistance programs. In addition, we will have the authority to review complaints about the agencies that will have direct oversight of managed care. I am convinced, as was my predecessor, that we will need at least two additional employees to properly handle new contacts and complaints to our office about managed Medicaid.

I believe that our office will also see an increase in complaints from inmates since the Federal Communications Commission last year ordered a lowering of phone rates. (More on this issue on page 4.)

I believe the people who work in the Ombudsman's office are caring, intelligent, and dedicated individuals who are passionate about making good government better. It is not easy to bear the brunt of everyone's anger day after day and be asked to take on the burdens of others. Our small staff rarely receives thanks for all they do. I would like to take this opportunity to publicly thank them for their service.

I believe the Office of Ombudsman is an institution that Iowans can be proud of. I know I am.

Ombudsman Access Bill: Third Time's a Charm

After two previous attempts to give the Ombudsman explicit access to closed-session records failed, the Iowa Legislature passed a bill during the 2015 session which does just that. This new law—which strengthens a power we believed our office already had—gives the Ombudsman an indispensable tool to conduct thorough investigations and fulfill our role as a government watchdog.

Our reviews of citizen complaints often compel us to try to figure out why and how a government agency arrived at a specific decision. When those decisions happen behind closed doors—as they sometimes do—it can be difficult to decipher the basis for the decision, especially when no records of those decisions are created for the public's benefit. Closed-session audio recordings (which are mandated by law, but unavailable to the general public) often contain the most reliable evidence available to explain an agency's actions.

In years past, we had generally received widespread cooperation from state and local government agencies when we requested their closed-session records. We were able to obtain the records, in part, because of our statutory authority to "examine any and all records and documents of any agency." Beginning around 2005, however, the Iowa Attorney General's office began advising state agencies to deny us access to closed-session records by claiming that the records were somehow elevated to a status greater than "confidential."

> The closed-session records we have received since the bill's passage have proven vital to our investigations.

Our ongoing disagreement with the Attorney General came to a head during our more recent investigations into a handful of Iowa's professional licensing boards. Citizens who had filed complaints with those boards asked for our help when they were not satisfied with the boards' responses. We found that many boards believe they are not allowed to share any information about unfounded investigations with complainants. This left some citizens wondering whether the licensing boards had done any work at all on their complaints. The key evidence that could have helped us allay those citizens' concerns was closed-session records that the Attorney General blocked from our view.

In light of this obstacle, we were faced with either taking the boards to court to compel them to turn over the records—which could take years to resolve—or seeking a clarification of the law that could potentially resolve the matter more quickly. We chose the latter.

Our efforts to get the bill passed did not come without challenges. Agencies advocating against the bill claimed there would be severe detrimental effects if our office was allowed to see closed-session records, despite our legal obligation to safeguard the confidential records we receive. The Attorney General's interpretation of the law opened the flood gates for other agencies to begin arguing against our access to closed-session records.

Only three lobbyists—all from the same public-interest group—declared "for" the bill. Forty-nine lobbyists from a variety of governmental agencies registered either "undecided" or "against" the bill. These taxpayer-supported entities' opposition to the bill was disconcerting, as they presumably exist to serve the same citizens who come to us for help. The lobbying did not go unnoticed, as one legislator referenced the overwhelming opposition to the bill. We pointed out that the opposition was coming from the same governmental entities that the Ombudsman investigates.

To some degree, the opposition was understandable; agencies do not always like someone looking over their shoulders or second-guessing their decisions. On the other hand, reviewing government decisions was the specific reason the Ombudsman was created.

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Governor Robert D. Ray forwarded the idea of an ombudsman in his first inaugural address in 1969 "as a step in combatting the perilous impersonality of government and in giving citizens a renewed sense of direct participation in their government . . . An ombudsman would serve as a channel for redressing individual grievances which are beyond the reach of present court procedures and leave many people voiceless."

But Governor Ray also envisioned an ombudsman that would increase public confidence in their public servants by "ventilating unfounded criticism and rejecting unfounded complaints."

Ultimately, despite the opposition, the bill passed the House and the Senate in a near-unanimous vote.

The closed-session records we have received since the bill's passage have proven vital to our investigations. Recordings of closed meetings have provided us with precise information that agency officials had previously been unable to recall during our interviews. In some cases, officials were found to have contradicted statements they had made during the closed-session meetings. The recordings also have shed light on agency procedures that give us serious concerns for further investigation. Quite simply, there is no evidentiary substitute for an agency's closed-session recordings. Our newfound ability to access those records without hindrance ensures that our reviews of citizen complaints are as thorough as possible.

Cooperrider Retires

The Iowa Office of Ombudsman said good-bye in 2015 to Ombudsman Ruth Cooperrider, who retired after 25 years with the office.

Cooperrider succeeded Bill Angrick as Ombudsman in 2010 after previously serving as Angrick's deputy ombudsman and legal counsel. Cooperrider, a former prosecutor and attorney for low-income Iowans, joined the Ombudsman's office in 1990 and stayed active in national and international ombudsmen associations.

Ruth H. Cooperrider
Retired Iowa Ombudsman

Inside and outside the office, Cooperrider was perhaps best known for her legal acumen and her careful analysis of tough issues. Although she generally believed in an amicable approach to resolving difficult problems in government, Cooperrider fought hard when necessary to protect the office's authority and independence as an impartial watchdog.

In 1993, Cooperrider argued and won a case before the Iowa Supreme Court that allowed the Ombudsman to obtain and privately review a videotape of an inmate incident without interference from state prison officials. Three years later, Cooperrider convinced the high court that a state licensing board could not deny the Ombudsman copies of its confidential investigative reports.

More recently, Cooperrider was publicly critical of the Iowa Attorney General's office (AG) for blocking her staff's attempts to complete several investigations of citizen complaints. Her resistance to the AG's objections culminated in a law change that gives the Ombudsman express access to the closed-session records of Iowa government agencies. She also helped make the case to the Iowa Supreme Court that a defiant prison official must answer the Ombudsman's questions under oath.

Iowans who have benefitted from the Ombudsman's work over the past 25 years have Ruth Cooperrider to thank. Ruth's former colleagues and friends in the Ombudsman's office wish her a happy and relaxing retirement.

Inmates to Benefit From Falling Phone Rates

The cost of inmate telephone calls is going down nationwide. Just how far—and how quickly—will apparently be decided in federal court.

Iowa prison inmates have already seen revolutionary rate drops. If "revolutionary" sounds like an exaggeration, consider this: In about two years' time, the cost of a 20-minute interstate (out-of-state) phone call for an Iowa prison inmate has dropped from $9 to $2.20. Even more significantly, the flat-rate charges of yesteryear are gone. Instead of paying $9 for every interstate call that lasts 20 minutes or less, Iowa prison inmates now pay 11 cents a minute for most phone calls. A five-minute interstate call which had cost $9 now costs 55 cents.

It would be difficult to overstate the significance of these rate drops for Iowa prison inmates, their families, and their friends. The overall picture for reduced phone rates for inmates at Iowa's 99 county jails and 12 city jails is a bit more nebulous.

Background

The Federal Communications Commission (FCC) in recent years has begun to regulate the high phone rates (and fees) charged to prison and jail inmates across the nation. The FCC's new rules, which also apply to juvenile facilities, are based on the concept that people who have meaningful contact with family and friends are less likely to continue in criminal activity, reducing the burden on the corrections system, and potentially saving taxpayer dollars.

After a competitive bid process, most corrections agencies sign an exclusive contract with one telephone company. These contracts typically include a promise that the company will give a percentage of its revenues to the corrections agency.

The percentage that goes to the corrections agency—known in the industry as site commissions—is usually not small. A study by Prison Legal News, an inmate-advocacy group, found that state corrections departments receive on average nearly half (45 percent) of what inmates pay to the phone companies. An FCC study found that 14 companies under contract to manage inmate phone services gave more than $460 million in site commissions to corrections agencies in 2013. "The record is clear that site commissions are the primary reason (inmate telephone) rates are unjust and unreasonable," the FCC wrote in a 2014 notice.

In 2014, the FCC capped the rates inmates pay for *interstate* calls. The cap for interstate debit and prepaid calls was set at 21 cents a minute, while the cap for interstate collect calls was set at 25 cents a minute. The FCC also encouraged corrections officials to establish cost-based systems in which phone charges are designed to recover the costs of providing telephone service to inmates, but not much more than that. Notably, the FCC's 2014 rules did not affect the rates inmates pay for *intrastate* calls (all calls within Iowa including local and long distance).

In response to the caps on inmates' interstate phone rates, prison officials in many states—including Iowa—increased the rates for other types of calls. Our office began investigating this issue in 2014 after receiving a complaint about the Iowa Department of Corrections' (DOC's) implementation of the FCC's 2014 regulations.

The FCC Doubles Down

In 2014 and 2015, the Ombudsman recommended that DOC and the Iowa Board of Corrections (BOC, which oversees the DOC) adopt the FCC's suggestion of a cost-based system with no flat-rate charges (where a standard fee is charged regardless of the call's length). DOC and BOC officials decided to continue with flat-rate charges, but they did agree to lower those rates. Those rates, however, were still high enough to create a profit that prison

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officials could use for things other than facilitating inmates' communication with family and friends.

Then in October 2015, the FCC voted 3-2 to effectively double down on its 2014 rules.

- Reduced the cap on *interstate* and *intrastate* calls to 11 cents a minute for prisons and to 14 to 22 cents a minute for jails (depending on the size of the facility).

In addition, the FCC voted to:

- Prohibit flat rates.
- Cap the phone rates for people with disabilities.
- Discourage—but not ban—site commission payments.
- Ban a number of ancillary fees and put caps on the rest.

For prisons, the FCC said the new rate caps would take effect on March 17, 2016. To their credit, Iowa DOC officials lowered inmates' phone rates to 11 cents a minute two months before that deadline.

Legal Challenges

On March 7, 2016, a federal appeals court suspended the FCC's newest rate caps, pending the outcome of lawsuit challenging many of the FCC's 2015 "double down" rules. The court's intervention was sought by two telephone companies, which are the plaintiffs in the lawsuit against the FCC.

Corrections officials in Wisconsin, Kansas, and seven other states have joined the lawsuit against the FCC. One of the petitions argues that the FCC's 2015 rules go beyond the agency's legal authority and alleges the FCC is largely ignoring the security-related costs that prisons and jails incur in providing phone service to inmates.

That is where things stand as we prepare to publish this summary in late March 2016. As previously noted, the cost of inmate phone calls is going down, but just how far and how quickly will apparently be decided in federal court.

You can find additional information in an FCC Consumer Guide at https://www.fcc.gov/consumers/guides/inmate-telephone-service.

What Does this Mean for Iowa Prison Inmates?

"It's the right thing to do."
—DOC Director Jerry Bartruff

Because of the federal court's stay order, prison agencies across the country are not required (as of late March 2016) to follow the FCC's 2015 vote to cap most *interstate* and *intrastate* calls at 11 cents a minute. It appears instead that prison agencies must abide by the FCC's 2014 decision to cap *interstate* calls at 21 cents a minute (debit and prepaid) and 25 cents a minute (collect).

But none of that stops prisons from adopting phone rates that go lower than currently required. In light of the federal court's stay order, we asked Iowa DOC officials whether they would undo the 11-cents-a-minute cap they approved in January 2016 for both *interstate* and *intrastate* calls. Their answer is no—they are keeping the new 11-cent rate cap. "It's the right thing to do," DOC Director Jerry Bartruff told us.

Iowa's DOC is not alone: Mississippi corrections officials also announced in March 2016 that they are adopting an 11-cent-a-minute rate cap, even though they are not currently required to.

What Does this Mean for Iowa Jail Inmates and Juvenile Facility Residents?

Because of the federal court's stay order, jails across the country are also not required to follow the FCC's 2015 vote to cap most *interstate* and *intrastate* calls at 14 to 22 cents a

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minute. However, jails and juvenile facilities are still required to abide by the FCC's 2014 move to cap *interstate* phone rates at 21 cents (for debit and prepaid calls) and 25 cents (for collect calls).

Although we do not know what the interstate phone rates were previously for Iowa's jail inmates, we suspect most were paying a lot more than 21 cents or 25 cents per minute. We also do not know whether all Iowa jails have been complying with the federal rate caps. But it is worth noting we have not received any complaints alleging that a jail has not been in compliance.

We are pleased that in March 2016, the Iowa Department of Human Services announced that it had adopted the 11 cents-per-minute rate for residents of the State Training School for Boys in Eldora.

How to File a Complaint

The Office of Ombudsman can review prison and jail telephone complaints about rates, refunds, ancillary fees, and phone rates for disabled inmates. We ask that inmates attempt to resolve these problems through their available grievance process before contacting our office.

Anyone who believes they have been overcharged for an inmate phone call should also file a complaint with the FCC:

- By telephone: 1-888-CALL-FCC (1-888-225-5322)
  TTY: 1-888-TELL-FCC ((1-888-835-5322)
  ASL Videophone: 1-844-432-2275
- By mail (include your name, address, contact information, and as much detail about your complaint as possible):
  Federal Communications Commission
  Consumer and Governmental Affairs Bureau
  Consumer Inquiries and Complaints Division
  445 12th Street S.W.
  Washington, DC 20554
- Online: https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=39744

We will continue to monitor developments and will provide an update in our next annual report in April 2017.

Top Ten Government Web Sites

We have put together a list of ten web sites that will quickly put you in touch with almost any facet of state and local government in Iowa. This is certainly not an exhaustive list, but one that should help you get started in finding whatever you might be looking for.

1. Official State of Iowa website—www.iowa.gov
2. State agencies—http://phonebook.iowa.gov/agency.aspx
3. Legislative—www.legis.iowa.gov
4. Judicial—www.iowacourts.gov
5. Cities—www.iowaleague.org
6. Counties—www.iowacounties.org
7. Public school districts and Area Education Agencies—www.ia-sb.org
8. Iowa law—www.legis.iowa.gov/law/statutory
9. Iowa Public Information Board—www.ipib.iowa.gov/
10. Office of Ombudsman—www.legis.iowa.gov/Ombudsman

Eight Steps for Resolving Your Own Complaints

"What steps have you taken to resolve the problem?" That is often one of the first questions we ask people who contact us with a complaint.

Under law, one of the scenarios in which the Ombudsman is not required to investigate is when people have available "another remedy or channel of complaint which [they] could reasonably be expected to use." [Iowa Code section 2C.12(1)] And it is not just the law, it is also simple common sense. Disputes and grievances can be resolved with simple, honest communication. Certainly not all the time, but enough that it is almost always worth trying *before* filing a complaint with our office.

Here are some basic, important guidelines to follow when you are trying to resolve any "consumer" problem, whether it involves a government agency or not.

1. Be pleasant, persistent, and patient. The wheels of government usually move, but not always quickly. We have found the citizens who are best able to get problems resolved have three core traits in common: they treat everyone with respect and courtesy; they don't give up easily; and they realize that most problems are not resolved overnight.

2. Exercise your appeal rights. Does the problem involve a decision or action that has a formal appeal process? If you are not sure, ask the agency. The right to appeal usually has a deadline. Respond well before the deadline and consider sending your appeal by certified mail. If you cannot write before the deadline, call to see if you can get an extension or if you can appeal by telephone.

3. Choose the right communication mode. If you are not filing a formal appeal, decide whether you want to contact the agency in person, over the phone, or through a letter or e-mail. Go with the mode you are most comfortable with, unless the problem is urgent, in which case you will probably want to rule out a letter.

4. Strategize. Before making contact, consider who your likely audience will be. Will it be someone who can actually fix the problem to your satisfaction? If not, your initial goal might be along the lines of patiently explaining your concern, listening to the response, and then politely asking to speak with a supervisor—perhaps even more than once!

5. Plan your questions. Write down your questions before calling or visiting the agency. Be sure to specifically ask which law, rule, or policy authorized the agency's actions. Then ask for a copy of the law, rule, or policy so you can read it for yourself, to see whether you agree.

6. Be prepared. Be sure to have any relevant information available before contacting the agency. If you are wanting face-to-face contact, we recommend you call first. A short phone call could save headaches and wasted time, such as finding that the person you need to talk to is out of the office.

7. Keep records. Take good notes of all conversations. This should include the person's name and title, the time and date, and what they told you. Keep all records received from the agency, even envelopes. Also keep copies of any letters, faxes, or e-mails you send to the agency.

8. Read what is sent to you. Carefully read everything from the agency, front and back including the fine print! If all that fails, contact us. Our office has authority to investigate complaints about most agencies of state and local government in Iowa. Major exceptions include the courts, the legislature, and the Governor. We do not have authority to investigate any federal agency.

From the Ombudsman's Case Files

Human Services

Ombudsman's Legislative Project Successful; Suspension Process Expanded

Iowa's Child Support Recovery Unit (CSRU) has had a suspension process for ten years to help parents stop court-ordered child support when: 1) the parents have reconciled, or 2) one or more of the children live with the parent ordered to pay support and both parents agreed to suspend a child support order. The suspension process was a good administrative tool to make quick and necessary child support adjustments, but it did not work well for all parents. For instance, the procedure did not work for a parent who is a victim of domestic abuse with a no-contact order, for a parent who no longer knows the whereabouts of the other parent, or for parents who cannot work cooperatively on matters that involve their children.

Our office has dealt with a number of complaints where a parent who is ordered to pay child support ends up physically caring for the child, but still has to pay support for that child. We recognized the need for an additional, low-cost, and fast administrative remedy to help these parents. That is why for several years we have advocated for creation of an additional suspension process upon *request of one of the parents* (mutual consent not required).

CSRU and our office worked together to change the law. Effective January 1, 2016, a parent no longer needs the cooperation of the other parent to request that CSRU suspend support payments if the child is now residing with the parent who is ordered to pay.

This process cannot be used in all situations, but if the criteria are met, CSRU will provide notice to the other parent. If the other parent does not file a notarized written objection, CSRU will prepare a suspension order for the court and proceed to finalize the action. Similar to the existing suspension process, the support is permanently ended six months later unless someone asks the CSRU to reinstate it. Likewise, if it is reinstated, support that came due during the six-month period the order is suspended. (However, a parent who owes previously-accrued support must still pay off the debt.)

Effective January 1, 2016, a parent no longer needs the cooperation of the other parent to request that CSRU suspend support payments if the child is now residing with the parent who is ordered to pay.

The new law also allows the suspension process to be used when a child is living with a caretaker who is not a parent and the caretaker does not want the parents to be required to pay them child support**.** An example of this is a child living with a grandparent as the caretaker. The parents and the caretaker could submit a request to suspend the support obligation for further review by the CSRU.

Some parents may still need to seek court action to change or end support ordered by the court in divorce or custody proceedings. Some cases may not qualify because they do not meet the suspension criteria, such as when the child has not been living with the parent ordered to pay child support for at least 60 consecutive days and/or the living arrangement will not continue for at least six months or more. By law, the CSRU cannot suspend a child support order if the child for whom support is ordered to be paid is receiving public assistance. For more information on the criteria and process see Iowa Code section 252B.20A or contact your local CSRU office.

The new law also allows the suspension process to be used when a child is living with a caretaker who is not a parent and the caretaker does not want the parents to be required to pay them child support.

When Bureaucracy has Real-Life Consequences

When a child with severe asthma has to go without their medication, it is a real-life nightmare for child and parents alike. That was the case for a central Iowa mother who called our office because her nine-year-old son's Medicaid coverage was cancelled through no fault of their own.

About a month before, the mother had sent in paperwork—well before the deadline—to renew her son's Medicaid coverage. Two weeks later, she received an automated notice saying her son's coverage would be cancelled in about ten days (the first of the month). Confused, she called in and was assured she had done nothing wrong.

She was told that staff had fallen behind in processing everyone's paperwork, and the agency's computer system was set up to send a cancellation notice to anyone whose renewal paperwork was not entered by a certain artificial deadline. The person she spoke with said staff was working hard to get caught up in processing everyone's paperwork.

Unfortunately, her son's paperwork did not get processed by the first of the month, and so his Medicaid coverage was cancelled. Making matters worse, her son needed a refill for his asthma medication, which she could not afford without Medicaid's help. The day before calling our office, she called the agency and was told they would process her paperwork on an emergency basis within 24 to 48 hours.

"I understand they are extremely busy, but this is my child's life that we're talking about and I don't have $300 to go get him his medicine," the mother told us. "What do I do for the next 24 to 48 hours, just hope he doesn't suddenly stop breathing?" She also questioned why the computer system was set up to automatically cancel coverage if—through no fault of the client—the renewal paperwork is not processed on time.

Our investigator sent an email to a top agency official describing the mother's predicament. The investigator also requested an explanation of what caused the processing backlog and what the agency was doing to resolve it.

In response, the agency official said the automatic cancellation was added to the system years earlier so that staff could focus on processing renewal paperwork that had been received. "This automatic system cancellation worked well for many years," the agency official explained.

Over the prior year, however, about 100,000 new clients were approved to receive Medicaid benefits. Many of those new clients were added toward the end of the previous year. This resulted in a temporary processing spike one year later, as all Medicaid clients must undergo a review every 12 months. That relatively sudden increase led to staff falling behind in processing everyone's renewal paperwork, and triggered auto-cancellations for some.

We received a nearly identical complaint from a woman whose pharmacy said her medical benefits were listed as inactive and so they could not fill her prescription. The woman was upset because she needed her heart medication and could not afford to purchase it without insurance.

In both cases, the renewal paperwork was processed within a day of our inquiry, and both the boy and the woman were approved for continued Medicaid benefits. The agency also modified its computer system to prevent cancellation of benefits for clients whose renewal paperwork had been received but not yet processed.

The Ombudsman investigates complaints against agencies or officials of state and local governments in Iowa. We perform this service, without a fee, in an independent, and when appropriate, confidential manner.

Provider Seeks Payment for Surgery Performed

A medical provider contacted our office to complain that Medicaid had not paid the full amount for a surgery their physician had performed. They were paid a $20 "post-op" fee, but they were not paid the $1,500 surgery fee.

An inquiry to the agency revealed that the provider had used an incorrect procedure code and the bill was denied as a duplicate. Once that was resolved, the bill was resubmitted by the medical provider for payment.

It's wonderful to know that there is someone out there that does care about people and wants to investigate if it is legitimate.

Satisfied Customers from South Central Iowa

What We Do:

We investigate complaints against agencies or officials of state and local governments in Iowa.

We work with agencies to attempt to rectify problems when our investigation finds that a mistake, arbitrary, or illegal action has taken place.

We have unique statutory responsibility to investigate and determine if an action was fair or reasonable, even if in accordance with law.

We have access to state and local governments' facilities and confidential records to ensure complete review of facts regarding a complaint.

We make recommendations to the General Assembly for legislation, when appropriate.

Sick & Waiting

A Medicaid recipient contacted our office because Medicaid would not approve coverage for a medication she had taken for 15 years. She needed the medication to treat a life threatening condition. She also had several other serious medical diagnoses. She said her private insurance company always provided coverage in the past. However, now that she was on Medicaid, she was denied access to the medication. Even though her doctor's office submitted multiple claims for her, she could not get the medication approved, and her medical condition drastically deteriorated while she waited. We shared our concerns with Medicaid, and coverage was eventually granted. The recipient was extremely grateful for our assistance.

Corrections

Iowa Code chapter 2C.6
Deputy — assistant for penal agencies.

…

2. The ombudsman shall appoint an assistant who shall be primarily responsible for investigating complaints relating to penal or correctional agencies.

Eleena Mitchell-Sadler is the Office of Ombudsman's Assistant for Corrections

When Policy Outweighs Practical Thinking

We received a troubling call from an inmate who is a burn victim with skin graft injuries on both ankles. She explained that she cannot wear shoes with a back on them because the burn scars would be rubbed raw. She said the prison doctor determined that she needed shoes without a heel cup. Because the prison did not issue this type of shoe, the inmate was required to buy them for herself. Having been in the same prison a few years earlier, the inmate asked her husband to order the exact type of shoes she had worn during that incarceration and have the vendor send them directly to the prison.

The woman had recently asked prison staff whether her shoes had arrived. She said an officer indicated the shoes had arrived, but they might be returned to the vendor because the inmate had not followed policy. Specifically, she had not gotten the security director's approval before having the vendor send in the shoes.

While the failure to follow policy was certainly an issue, our investigator felt there was another issue that was just as important. Because the inmate did not have any shoes, she was walking around in state-issued shower shoes. Many of these walks were outside, as inmates at this particular prison need to go from one building to another several times each day. And it was wintertime. So every day that she did not receive the specially designed shoes meant another day of walking around in 25 degree winter weather.

Our investigator verified the physician's order and contacted prison officials immediately by email. The warden responded within the hour stating she would check into it. Three days later, the inmate called back stating she still had not gotten the shoes. She also reported having blisters—her feet were sliding in the wet shower shoes because she did not have any dry socks to wear. So our investigator sent a second email to prison officials but got no immediate response. A call to the warden went unanswered, so a more firmly worded email was sent to prison officials. The shoes were finally issued to the inmate the next day.

The warden apologized for the delay in getting back to us. She said the inmate's failure to follow policy explained the delay in her getting the shoes. In response, our investigator acknowledged that the inmate should have waited for the security director's approval before having the shoes sent in.

However, our investigator also told the warden that there were three problems with how prison staff handled this matter. First, it was unreasonable to have an inmate wear shower shoes outside in the winter. Second, the matter was handled inefficiently, as it should not have taken 12 days to determine whether the shoes were a security concern. Our investigator also determined the prison did not follow its own policy requiring staff to notify the inmate within 48 hours of when the shoes arrived at the prison.

Is Violating a No-Contact Order a Conviction?

A woman complained that prison staff was not allowing her to have any contact with her boyfriend, who was in prison on a parole violation. She was identified as the victim in a past domestic assault charge against her boyfriend, but the charge was dismissed before his return to prison.

Under the Department of Corrections' (DOC) visitation policy, inmates are not allowed to have visits with anyone who was a victim of the inmate's "current or previous conviction" or a member of the victim's immediately family or household. In this case, before the boyfriend's domestic assault charge was dismissed, he admitted that he had violated a no-contact order. A DOC official considered that admission to be a conviction, which in turn meant the woman would not be allowed to visit him.

Our investigator questioned the DOC official's determination. Eventually our investigator discussed this issue at a meeting with several DOC administrators. During that meeting, the DOC director indicated that he agreed with our investigator—that violating a no-contact order was not the same as a conviction.

Because there was no conviction, the woman's boyfriend was reclassified and removed from a previously required domestic abuse class. The couple was allowed to communicate with each other shortly thereafter.

Financial Costs for Peeling Paint

Many people in prison spend their money frugally because they do not have a lot of it. So when an inmate is faced with any unexpected financial charges, the impact can be significant.

A prison inmate contacted our office after he was found guilty of peeling paint from the walls of a cell. His sanctions included four days of lost earned time and a weekend of cell confinement. He was also assessed for the cost of repainting the cell. He insisted he had not peeled any paint from the cell in question.

In his letter to our office, the inmate said several other inmates had been assessed for the cost of repainting the same cell earlier in the year. Although the inmate said the paint was already peeling off when he was placed in there, he acknowledged that he failed to inspect the cell before he signed off to indicate there were no problems with the cell's condition. The inmate suggested that a review of the previous log sheets should confirm his claim about the cell's prior history.

Our investigator asked prison officials for the cell's housing logs for the prior six months. A review of those logs and disciplinary records revealed that this inmate was the fourth to be assessed the cost of repainting the cell over a six-month period. Our investigator found a fifth inmate was also accused of peeling the cell's paint. Instead of receiving a major report like the others, the fifth inmate was only given a minor report and was not assessed the repainting costs.

Perhaps most importantly, our investigator also found that an officer had acknowledged another inmate had previously been peeling the cell's paint, and it was unlikely that the cell was repainted before the inmate in question was placed there. Based on this information, our investigator suggested that prison officials reduce his report to a minor, restore his lost earned time, and rescind the assessment that he pay the repainting costs. Prison officials accepted all of our investigator's suggestions.

Inmate Shackled in Shower

A county jail inmate claimed jailers made him shower in full hand and leg restraints. The inmate said he refused to shower in full restraints because he would be unable to brace himself if he slipped and fell. He said it compromised his safety.

We contacted the jail administrator, who confirmed that jail officials sometimes make high-risk inmates shower in full restraints for security reasons. In such cases, the inmate's hands were cuffed in front, and their feet were restrained in leg irons. The handcuffs were attached to a "come-along" chain that was held by the jailer who escorted inmates to the shower. When an inmate showered in full hand and leg restraints, the jailer would stand outside the shower stall with their back turned while still holding the "come-along" chain affixed to the handcuffs.

Our office had not previously heard of such a practice, and we believed it raised legitimate safety and liability issues. We also questioned whether this method was safe for jailers, knowing that an inmate could easily pull on the chain or otherwise use it against an officer while his or her back was turned.

In addition to getting input from our office's corrections specialist, our investigator sought advice from other corrections experts in Iowa. No one we spoke with had ever heard of making inmates shower while restrained with handcuffs and leg irons. The outside corrections specialists shared our office's concerns about inmate safety and taxpayer liability if an accident occurred and someone was injured.

We recommended that the jail discontinue this practice. To address the security concerns that prompted the jail to employ this method, we suggested that the jail install a lockable gate on the shower stall used for high-risk inmates. That would enable jailers to remove the inmate's restraints during showers and put them back on afterward. It took some convincing, but the jail administrator ultimately accepted our recommendations.

Peanut Allergy Ignored

A woman called our office two weeks after arriving at a county jail. She said that when she first got there, she told staff that she has a severe allergy to peanuts and cannot have them touch anything on her tray.

Then she informed the nurse and filed grievances. She had received three items that were made with peanuts after providing notification. After receiving a peanut butter cookie on her lunch tray, she decided to call our office.

Believing this was a high priority, our investigator called the jail administrator that same day. The jail administrator said he received confirmation that day of the woman's peanut allergy and he notified kitchen staff. The jail administrator also said that he usually gets confirmation about allergies before ordering any changes to the diet.

As an informal suggestion, our investigator expressed concern about this type of allergy and the jail's practice of requiring confirmation before informing the kitchen. The jail administrator asked, "Why is that inappropriate to verify an allergy[?] [W]e have inmates who have told us plenty of things they are allergic to and sometimes it is because they don't like the food. When we serve liver do you know how many inmates claimed there were allergic?" Our investigator explained that a severe reaction can occur and reiterated the informal suggestion to change the practice. In the end, the jail administrator agreed to find ways to adjust.

Hospital Stay is Not a Holiday

An inmate claimed that three days were being added to his jail sentence because he spent three days in a hospital. Three days may not seem like a lot, but who wants to stay in jail longer than they were sentenced? We contacted the jail administrator to verify the man's allegation.

The jail administrator confirmed they were adding three days to the man's sentence due to the hospital stay. We were told the man had been in custody, but the sheriff ordered his release in lieu of having staff guard him during a necessary inpatient medical procedure.

Our investigator believed a break in a jail sentence could only be done by court order. Our investigator's research revealed her gut was right—Iowa Code section 356.26 says the district court may grant such leave; the law does not grant the same authority to a sheriff. The same law also says if leave is granted, the individual remains in the legal custody of the jail and shall be subject to being taken into physical custody and returned to the jail. We believed this meant the individual should receive credit towards his sentence when hospitalized.

The jail administrator acquiesced when we shared this information with him.

Prisons Agree to Stop Buying Worrisome Soap

We received a letter of concern that the soap distributed to prison inmates statewide might be causing more infections that it was preventing.

With the help of an inmate who provided a wrapper, we confirmed that the bar soap offered to inmates contained triclosan, a chemical agent intended to kill bacteria. In our research of triclosan, we discovered that the U.S. Food and Drug Administration (FDA) had issued alerts to consumers expressing some concern that the product might be contributing to the growing problem of bacteria becoming resistant to antibiotics. Antibiotic-resistant bacteria are particularly worrisome in densely populated settings such as prisons, where disease is more easily spread. The FDA said its research suggested that regular soap was just as effective as soap with triclosan.

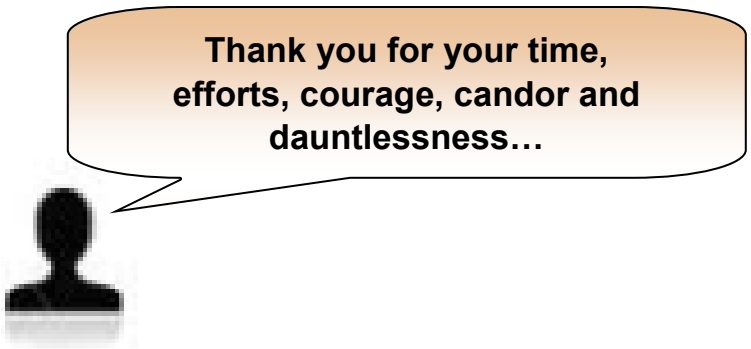
We shared this information with the state prisons' top medical official, who discussed the issue with the office that purchases goods for inmates. They quickly decided to stop buying any soap containing triclosan. The product was phased out within a few months.

Jail Accommodates for Inmates with Disabilities

Most jails have a text telephone system, often referred to as TTY, so that deaf and hard of hearing inmates can communicate with friends, family, and attorneys. For such a call to work, the person on the receiving end must also have a text telephone system. Such systems are not cheap, so jails need to provide other reasonable alternatives, such as a telecommunication relay service available through the 711 access number or Relay Iowa. Both of these entities provide free translation services for people who are deaf or hard of hearing.

A deaf man contacted our office shortly after he was released from a county jail. He said the jail had a TTY system, but he could not use it because none of his family members or his attorney had such a system on their end. He tried the 711 access number and Relay Iowa, but the jail had not added these numbers to its pre-approved list.

Our investigator encouraged the jail to add the Relay Iowa number to its pre-approved list so deaf and hard of hearing inmates can communicate with people who do not have a TTY. The jail agreed to do so.



Inmate at Anamosa State Penitentiary

What's the Real Reason?

Five months after his parole had been approved, a man continued to sit in prison, his patience growing thin, waiting for official approval of his proposed residence. Acting on the suggestion of his prison counselor, he contacted the Ombudsman with his concerns.

After reviewing information in the agency's database and not finding any acceptable reasons for the delay or the denial of the residence, our investigator contacted the parole officer (PO).

The PO said the man's friend, who was already living at the residence, was on disability and she questioned whether his income was sufficient to support another person living there. When asked what the household income was, the PO said she did not know. She also said the man's friend had previously been on supervision, but she denied that he had caused any problems during that time. When asked why deny for those reasons, the PO had no explanation.

The PO also said she had not actually been to the residence to check it; instead, she had spoken to the friend on the phone. She could not explain why she had not yet been to the residence.

The PO then said the residence was denied because the last time the parolee was there, he had problems with staff. We wondered what past communication with staff had to do with the residence—the parole board had already authorized his release to society. When asked if she was saying District staff could not look at this objectively and determine if that was a legitimate reason to deny a residence, the PO appeared to become defensive.

The PO agreed to conduct the long-awaited residence check. She later reported the residence was clean and in relatively good shape. However, the residence was denied because the District was unsure the disability income was enough for the entire household, and it was felt the home was too small for five people.

Our investigator spoke with the parolee's friend, and then provided the PO with the total household income figure. Our investigator also explained that two of the five residents were children who visited on weekends from time to time; leaving only three adults in the home for most of the time.

The District eventually decided they would approve the residence. The would-be parolee became an actual parolee one week later.

The Ombudsman determined that the PO acted contrary to policy when she exceeded timeframes to verify a placement plan or develop an alternate plan, failed to contact the prison for a workable alternative, and failed to provide an appropriate explanation for the denial in the system.

Other Agencies

Court Order Not Needed to Correct Marriage Certificate

A couple who were married in Iowa wanted to have their marriage certificate corrected. The form was completed by one spouse who incorrectly typed the other spouse's birth date on the application form.

The couple needed a corrected marriage certificate to provide to an insurance company for health insurance coverage. The couple was told they needed a court order to have the certificate changed.

Our office reviewed Iowa Administrative Code rule 641—99.11. It was our interpretation that the rule allowed a person to provide evidence and an affidavit to request correction of their marriage certificate. Our office contacted a manager at the agency which insisted a court order was needed. The agency's attorney also agreed a court order was needed to correct the marriage certificate.

We then sent a letter to the agency director asking him to review the issue. Our letter explained why we believed a court order was not necessary. The director agreed with our interpretation of the rule and instructed staff to change the couple's marriage certificate upon receiving appropriate documentation.

Déjà Vu All Over Again on Jobless Benefits

A western Iowa man did not understand why his application for unemployment benefits was denied. He worked for a company which laid him off every year during the fall and winter months. In past years, he had received jobless benefits during those months. But when he contacted our office in early 2015, he had not received any benefits even though he had applied three months earlier.

Our investigator contacted an agency manager and requested an explanation. In response, the manager said it appeared that the man's employer had not reported the wages earned by the man and a number of other employees for the prior year. The agency was still investigating the matter.

We called the man back and conveyed what the manager had said. We also gave him the manager's contact information and encouraged him to contact the manager for further details.

Nine months later the man called our office again with a similar problem. Before explaining the new problem, he said that he started receiving unemployment benefits shortly after our office had contacted the agency earlier in the year.

This time, the man was receiving benefits, but he questioned whether it was the full amount that he was eligible for. He said the agency's records indicated he had no income during the second quarter of the year, but he had payroll records showing that he earned more than $4,000 during that quarter.

Our investigator contacted the same agency manager who responded to our previous inquiry. The manager called back the next day and said the man was correct—he was mistakenly not credited for any of his second-quarter income. The manager said this mistake was the agency's fault. He said the man would receive an adjustment (benefits that he should have received previously) and his future weekly benefits payment would be higher.

Press "1" if You Would Like to Hear the Dial Tone

A central Iowa woman called a state agency in search of a document. She was greeted by a recorded message which said to press "1" for one type of service, press "2" for another, and so on. She pressed "1" and a recorded voice said, "This call processing mailbox does not exist." Then she heard the dial tone.

Undaunted, the woman called back, listened to the options again and pressed "2." She got the same recording and the dial tone. Coincidentally, the woman was a retired government employee. Some might say this was poetic justice, but we are not among them.

The retiree called the agency a third time and was able to leave a voice mail message in which she reported the problem and asked for a return call. Two weeks went by without a return call. She decided to see if the problem had been fixed. She called the same number, and once again, pressing "1" or "2" quickly led to the dial tone.

She called back and managed to get transferred to a supervisor. The retiree explained the problem and the supervisor promised to report it immediately. After another two weeks, the retiree called the same number, pressed "1," and learned the problem had still not been resolved. At that point she decided it was time to call our office—her seventh call on the matter.

Two days after speaking with the retiree, our investigator called the number and confirmed it was hanging up on callers who pressed options "1" or "2." Our investigator sent an email to an agency manager describing the problem and asking, "Can someone check into this and get it resolved? Thank you." That email was sent around 11:30 a.m.

Within an hour, the manager responded, "We are aware of the situation and we have been told twice it will be looked into and resolved." In response, our investigator asked if the agency had received a timetable for when the issue would be resolved. "I'm surprised something of this nature hasn't been fixed within a two-week timeframe," our investigator wrote. "Do you have any data regarding how many calls are made to that number on a daily or weekly basis?"

In response, the manager said the number in question receives an average of 65 phone calls daily. "I have asked for an update on fixing the issue, and have escalated the issue through my division director as well," she wrote.

Around 4 p.m. on the same day, the manager reported that the problem had been resolved. Our investigator called the number and confirmed it was no longer hanging up on callers who pressed "1" or "2."

The ombudsman system is based upon the principle that every person has a right to have his or her grievances against the government heard, and if justified, addressed. The Office of Ombudsman provides Iowans a nonpartisan independent agency where action can be taken to resolve their complaints.

Attorney Fees Waived

A disabled man with a subsistence-level income of $773 per month was represented in a criminal case by a public defender. After the man was found not guilty in a jury trial, he was charged $300 for attorney fees. Iowa Code section 815.9(6) states that a person acquitted in a criminal case can be charged for legal assistance to the extent that the person is reasonably able to pay. The law requires that the person must receive notice and a reasonable opportunity to be heard. We found out the man did not receive a hearing to determine his reasonable ability to pay. We asked the public defender's office to resolve the matter, and they agreed to waive the attorney fees.

Wage Claim Incorrectly Rejected

A woman filed a wage claim against a former employer. The agency initially denied her claim, stating it had been longer than one year since she had worked for the employer.

The woman provided our office with documentation proving she filed the claim less than a year after her employment ended. We provided the information to the agency and they agreed her claim was denied in error. The agency then processed her claim and the woman ultimately received some of her claimed wages.

Police Reports Missing Key Information Statewide

A central Iowa man complained about a sheriff's response to the man's two-month-old request for a police report. The sheriff was investigating a possible assault against the man's grandson and said he could not provide the report until the case was closed.

While the sheriff's response was not exactly correct—state law requires release of the "immediate facts and circumstances" of an incident regardless of whether charges are filed—the report that was released shortly thereafter also had problems. Key portions of the report that were given to our complainant were missing, including the suspect's name, the charges, and a narrative of the incident. A sheriff's deputy insisted that he had entered this information into his report and did not know why it was not included in the version our complainant received.

We discovered that the sheriff's computerized report-writing program was developed and maintained by the state. It appeared to us that the information missing from our complainant's report was also missing from reports statewide. We asked a state official why that information was being denied to public requesters, and he found that a computer glitch was to blame. The official pledged to restore the public's access to full reports as soon as the glitch could be fixed.

These services are very important because there are many people in our community that do not have the knowledge, confidence or resources to stand up for themselves to local governments.

2015 Satisfied Customer

Local Government

Sacred Ground

A rural Iowan was concerned about township officials' reported plans to allow burials in part of a cemetery believed to include Native American remains. The man said he offered to pay for a ground-penetrating radar survey to help find out if Native American burials actually occurred there. However, township officials reportedly refused the offer and continued with plans for new burial plots.

State archeologists confirmed that Native American burials may have occurred at the site in question, and recommended further study. The portion of the cemetery under scrutiny was similar to other historic and prehistoric Native American burial sites, archeologists said. Further, various artifacts had been recovered from other parts of the cemetery, officials said.

We contacted township officials to see if they would be willing to have the survey done. From our office's perspective, it was best to know as much as possible about whether Native American remains were there before allowing new burials. That is especially true given that state law would require all work in the area to halt if human remains were accidentally unearthed.

Following our suggestion, township officials and state archeologists agreed to conduct the survey. Once the work was completed, stakeholders planned to discuss how to better manage the area in the future.

Compounding Fees Creates Extraordinarily High Bill

The landlord of two manufactured homes in a small town in central Iowa complained about exorbitant rates the city had charged him for late payment of his sewer bill. The controversy prompted the landlord to remove the two manufactured homes and sparked a debate about the city's late fees.

The property owner had stopped making sewer payments to the city because he believed the city knew the line to his properties was broken. After the city sent him a letter of non-payment, he attended the next city council meeting to discuss the matter. The property owner ended up storming out of the meeting. The city council decided to disconnect his properties from the sewer system; however, workers did not follow up with the disconnection until a year later. At that time, the city sent a certified bill for the landlord's unpaid bills to the county treasurer to be collected through his property taxes.

The monthly bill for each sewer line was only $16.50; however, 27 months had passed between the time he stopped paying and when the sewer lines were disconnected. A bill for $4,378 was certified to the county treasurer as a lien against the properties. Our investigator found the city was compounding the interest and the principal on the unpaid bills, creating an extraordinarily high bill.

The Ombudsman issued a report to city officials, noting concerns about its lack of proper notice before certifying the debt, irregular billing, delayed disconnection, improper calculation, and improper application of the penalties.

We recommended that the city recalculate the landlord's debt to compensate for its untimely disconnection, charging only simple interest. We also asked the city to recalculate and adjust any other existing delinquent sewer service accounts, and to amend its ordinances to clarify how penalties should be calculated.

The city modified one of its ordinances in October 2015 and lowered the property owner's outstanding bill to $1,064 for the two properties—a savings of nearly $3,200.

Mother's Inability to Pick Up Son From Jail Leads to Child Endangerment Charge

With a real crisis on her hands, a single mother called our office one morning. By late afternoon her crisis was thankfully over.

When we first spoke with the northwest Iowa woman, she had reason to believe that police officers were preparing to come to her home and arrest her on a charge of child endangerment. This would have a potentially devastating domino effect on her family. She was already on probation, so a new charge could lead to a revocation and time in prison.

If she went to prison, who would take care of her children? Her 9-month-old daughter was seriously ill and needed the help of a machine to breathe. Her 10-year-old son attended a special-needs school about 40 minutes away from their home. The woman also had no transportation of her own.

The prior afternoon, school staff called to say her son had been arrested for simple assault. After calling around to get more information, she learned her son was being held in an interview room at the county jail in the same town as her son's school.

Around 5 p.m., someone at the jail called the woman and said she needed to pick up her son. The woman explained that she had no transportation and that her son typically rides a school bus home. But by that point he had missed the bus so the woman said she would call around to try to find a ride for her son.

A few minutes later, she got a call from a police lieutenant who wanted to know when she would be picking up her son. According to the woman, when she explained that she was looking for a ride, the lieutenant said he would charge her with child endangerment if she was unsuccessful.

The woman ultimately could not find a ride for her son. Late that evening she called the police lieutenant to let him know. The lieutenant drove her son home just before midnight. Shortly after her son walked in the door, the lieutenant told the mother that he would be charging her with child endangerment, an aggravated misdemeanor. The mother started videotaping and asked how she could be charged with a crime under the circumstances. The lieutenant then left.

The next morning, the woman notified her probation officer (PO) about the pending charge. The woman then called our office and explained the situation. After that call, our investigator checked community corrections records and found that the PO had already requested a copy of the police report. Realizing that the PO might start the process of revoking the woman's probation soon, our investigator quickly sent an email to the police chief, describing the mother's version of events. Our email asked for the police department's side of the story.

By that afternoon, our investigator found that the PO had received the criminal complaint and had submitted a draft revocation report to her supervisor. Around 3:30 p.m., our investigator received a phone call from the police chief and an assistant county attorney. The police chief said they had reviewed the matter and decided to dismiss the charge.

Immediately after that call, our investigator checked corrections records and found that the PO also had learned about the dismissal and stopped the revocation process just a few hours after it was started.

After careful investigation, research, and analysis, the Ombudsman makes recommendations to resolve complaints that are found to be justified. Additionally, the Ombudsman may provide information and answer questions relating to government.

Family's Bizarre Fast-Food Visit Leads to Indecent Exposure Charge

The fast-food dining experience is something most families are accustomed to. Seeing a customer who appears to be exposing himself should never be part of that experience.

Those were the sentiments of a central Iowa family which had pulled off a highway for a quick meal. All family members had finished eating and some had gone to the bathroom. That is when the mother became aware that a man appeared to be exposing himself in the next booth.

The parents quickly gathered the kids and left the restaurant. They got in their vehicle, called 911, and waited in the parking lot. Within 15 minutes, two sheriff's deputies arrived. The deputies went inside and walked directly to the booth where the man was still sitting.

After some time, the deputies came back outside, but the man was still sitting inside. One of the deputies approached the family and said there was not enough evidence to charge the man with indecent exposure or any other crime. Exposing himself was not enough, the deputy explained. He said there had to be evidence that the man was sexually aroused in order to charge him with a crime.

Stunned, the father said he asked the deputy, "You mean if I'm (urinating) by that pole over there, you wouldn't arrest me?" He said the deputy responded, "Sir, we couldn't."

The father called our office the next morning and explained his family's unpleasant experience. In response, our investigator contacted the sheriff's department to inform them of the complaint and to request the incident report. After our investigator made further inquiry, the chief deputy agreed to take a closer look at how the incident was handled.

A few weeks later, the chief deputy reported that a warrant had been filed for the arrest of the man in question, charging him with indecent exposure. He also said that the mother had agreed to testify in court, if necessary. The chief deputy said the deputies on the scene had misunderstood the elements that are necessary to charge someone with indecent exposure.

Did Someone Steal My Home?

An elderly woman feared someone was trying to surreptitiously take ownership of her home. She had learned that her name was no longer on the property's water bills. Instead, the water bills were in someone else's name, and it was a name she did not recognize.

The woman had called the city water utility because she had not received a water bill in several months; nor had she paid a water bill in several months. She was understandably surprised when a customer service representative said the account was no longer in her name, and that all the water bills had been paid by the person whose name was on the account.

This caused the woman to become extremely concerned. She had heard about scams where a person can secretly take ownership of someone else's home by paying the property taxes and utility bills so she called our office.

Our investigator contacted water utility officials and learned this whole thing started with a simple mistake by the utility. Another homeowner had called in to change the name on his water account. The employee who entered the name-change applied it to the wrong address. Because of the mistake, the elderly woman's water bills were mailed to the other homeowner for three months, and he did not realize that he was being billed for the wrong address.

A water utility employee had tried to explain the details to the elderly woman. When our investigator explained what happened, she understood that nobody was trying to assume ownership of her home. We also let her know that her name was put back on the account. Under the circumstances, water utility officials decided to only charge her for actual water consumption and applicable sewage charges. They waived all other fees that are typically included with water bills.

Eligibility Under the Affordable Care Act

A resident on work release wanted to sign up for the Affordable Care Act (ACA). He said that the county's health patient advocate told him he was ineligible. Our research revealed that people on work release were eligible due to updates to the law.

Under the ACA, those who are incarcerated or in jail serving a conviction cannot enroll in private health insurance. Their medical needs are provided by the prison or jail. However, if the person is on probation, parole, or home confinement, it is necessary for them to find private health insurance coverage because outside medical providers serve their needs. Coverage under the ACA is an option if they qualify.

We contacted the local health department patient advocate and informed her of the change in the law. She was grateful for the information and agreed to help the resident through the process. The resident breathed a sigh of relief knowing he had coverage should he need it.

Miss One Bill, Pay Three Fees

A woman in north-central Iowa thought it was unfair that city officials had charged her three successive disconnection fees for an unpaid garbage bill. The woman admitted that she had failed to pay her last bill; however, she explained that she had been out of town for months.

City records confirmed that the woman's garbage service was not restored during her extended absence. We questioned how she could have been "disconnected" from the service three times and charged a fee after each stoppage.

The city clerk acknowledged that the fee did not seem fair, and she readily agreed to issue a refund for the second and third disconnection fees. To try to avoid a repeat of the problem, we suggested that the woman be permanently removed from the garbage-pickup route until further notice. Both the homeowner and the city agreed that was a reasonable solution. We also stressed to the homeowner that she could sign up for automatic bank payments if she decides to restore service.

City Withdraws Plan to Make Landlords Pay Tenants' Unpaid Utility Bills

An apartment-building owner in a college town expressed alarm over a proposed ordinance to remove an exemption that he and other landlords had previously enjoyed. Under the exemption, landlords were not responsible for any of their tenants' unpaid water and sewer bills.

The city said the measure was needed to ensure that it could collect all of the money it was entitled to. Our complainant said he should not be liable for irresponsible tenants, especially since the tenants were paying their water bills directly to the city.

We researched the issue and found that state law requires cities to offer the exemption to landlords who request it. The city's attorney initially thought the measure was allowed under its home-rule authority, but after reviewing our analysis, he reversed course and withdrew the proposed amendment.

The landlord was very happy with the resolution. "There is no doubt I would not have gotten anywhere with the city if I had fought this battle on my own," he wrote us.

We offered the city some ideas on how to maximize its collections from tenants, such as increasing deposits or billing more often. We also referred city officials to a utilities association for other possible remedies.

There is no doubt I would not have gotten anywhere with the city if I had fought this battle on my own.

Owner Leaves but Utility Bills Continue

A citizen was in the process of having her house foreclosed upon. She left the premises several months before its sale. When she left, she cancelled her water, garbage, and recycling services with the city.

Somehow the bills did not stop. She did not understand how she could be charged for services when she did not even live at the house, particularly after she notified the city three times that she wanted the services discontinued. She received a $170 bill for the services she already asked to be shut off, and her $100 water deposit was not refunded.

The homeowner was not able to supply documents to support her assertion that she told the city to shut off services. However, we reviewed city ordinances, which have a provision that allows residents to notify the city that they will not be using the water and sewer so they can stop being billed. Citizens are always charged for garbage pickup because the service is provided by a contractor. Regardless of actual usage, the city still has to pass the contractor's bill onto the resident.

The problem, however, was that residents were never informed of these responsibilities in either the bill or their initial service agreement.

The city acknowledged that their ordinances and agreements did not address the notice issue and needed to be changed if the city decided to continue its practice. The city agreed to update its utility agreement and review their ordinances to ensure they specifically state what services residents have to pay for and what can be suspended.

As a result of our inquiry, the city eventually forgave some of the homeowner's fees.

The Ombudsman's Authority

Iowa law gives the Ombudsman the authority to investigate the administrative actions of most local and state government agencies when those actions might be:

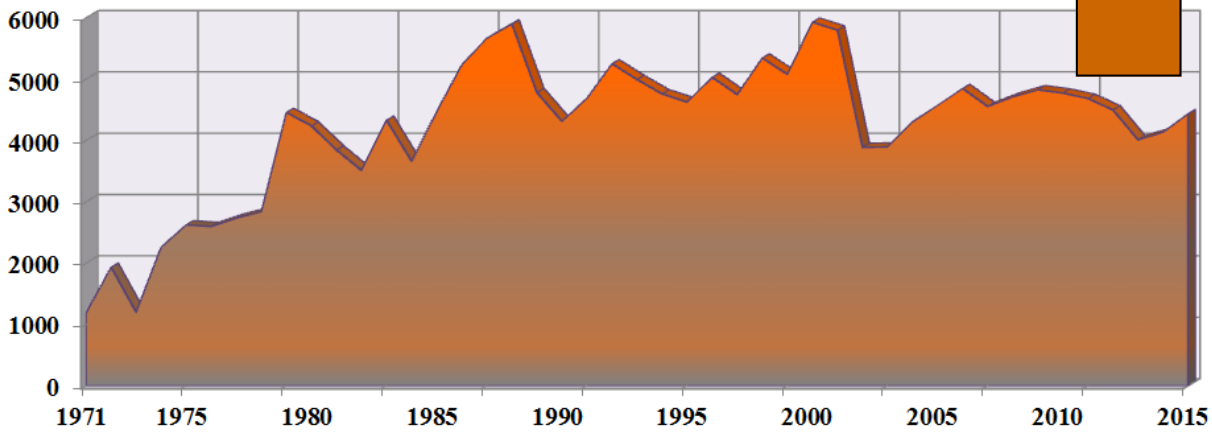
- Contrary to law or regulation.
- Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.
- Based on a mistake of law or arbitrary in ascertainments of fact.
- Based on improper motivation or irrelevant consideration.
- Unaccompanied by an adequate statement of reasons.

By law, the Ombudsman cannot investigate the Iowa courts, legislators and their staffs, the Governor and his staff, or multi-state agencies. The Ombudsman also cannot investigate complaints from agency employees about employment-related matters.

Statistics

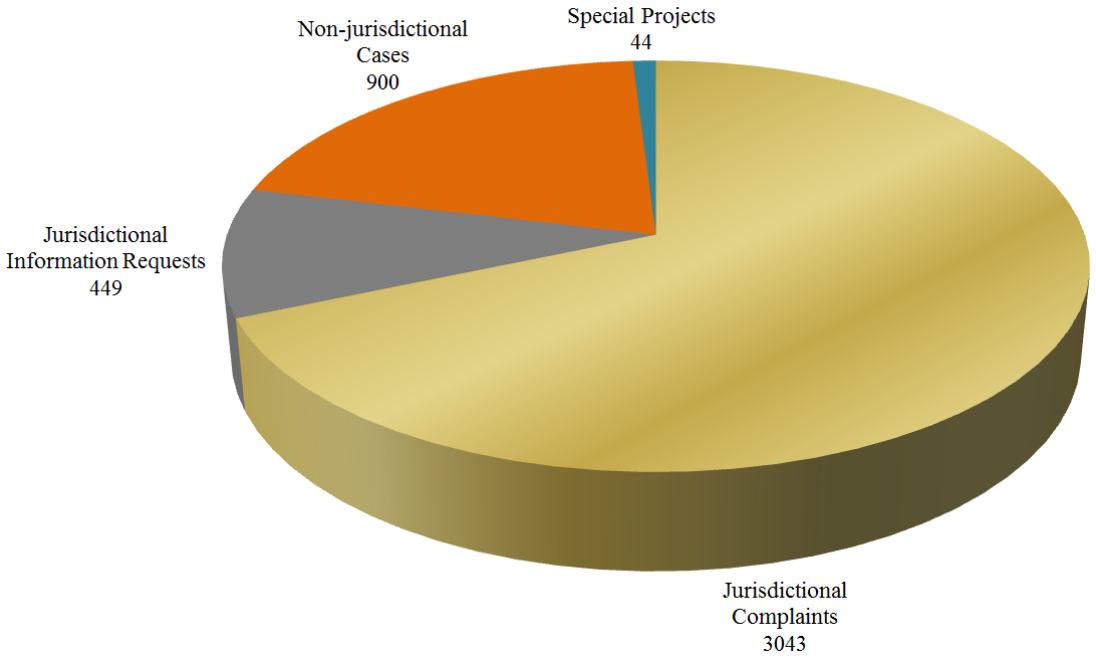
Up 7.3% from 2014

4,436 Cases Opened in 2015

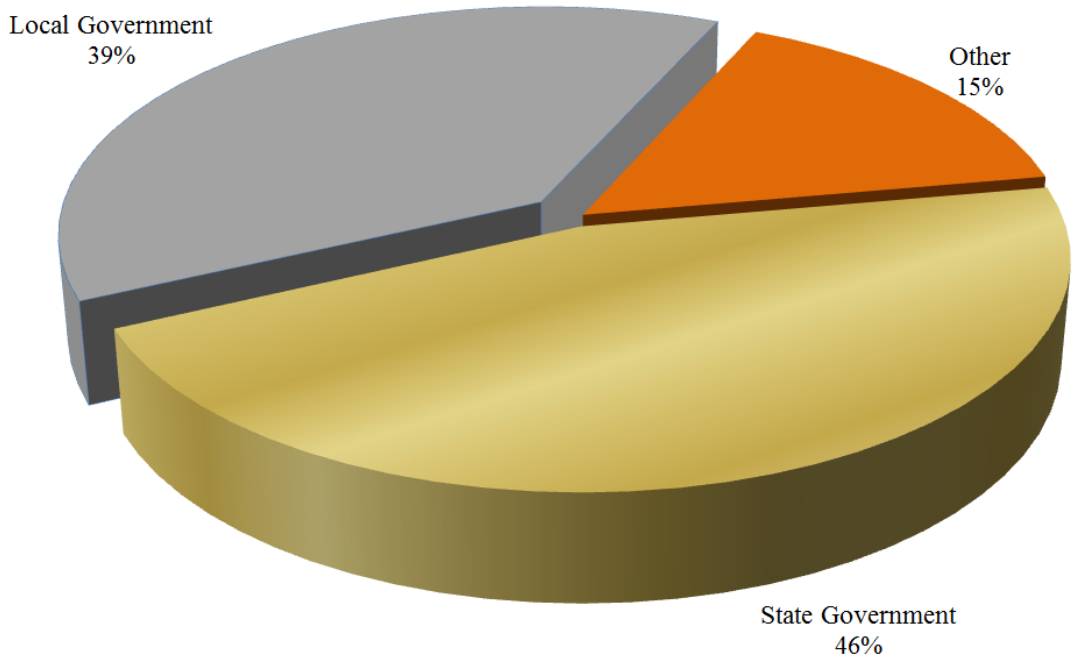


This chart shows the number of contacts received by the Office of Ombudsman each year from 1971 through 2015.

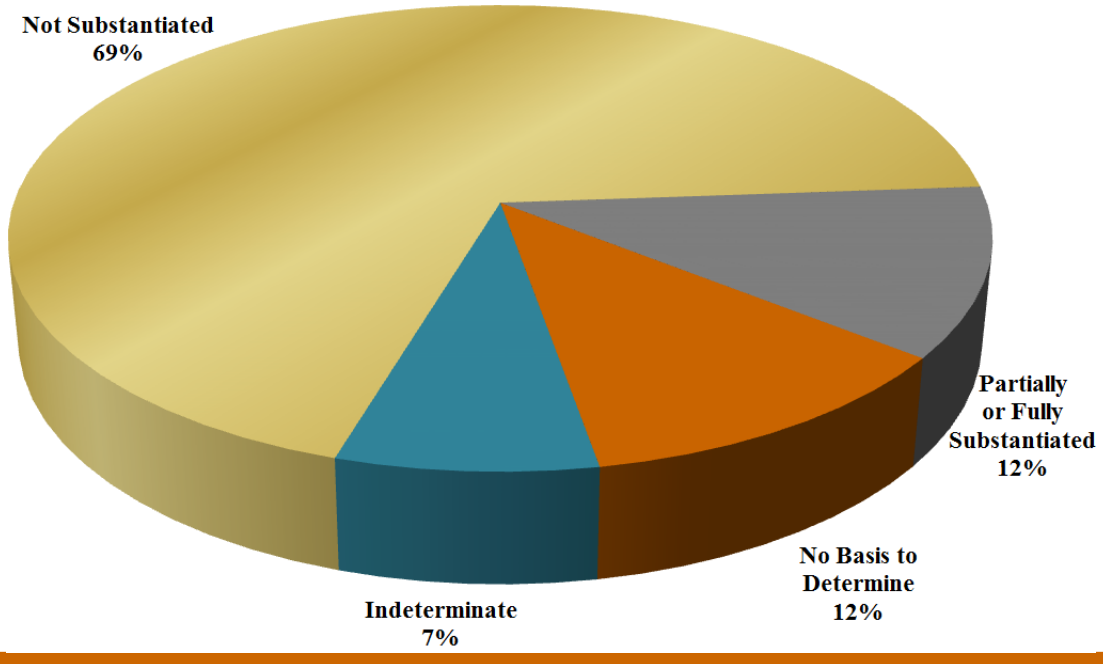
Types of Cases Opened in 2015



Subjects of Cases Opened in 2015



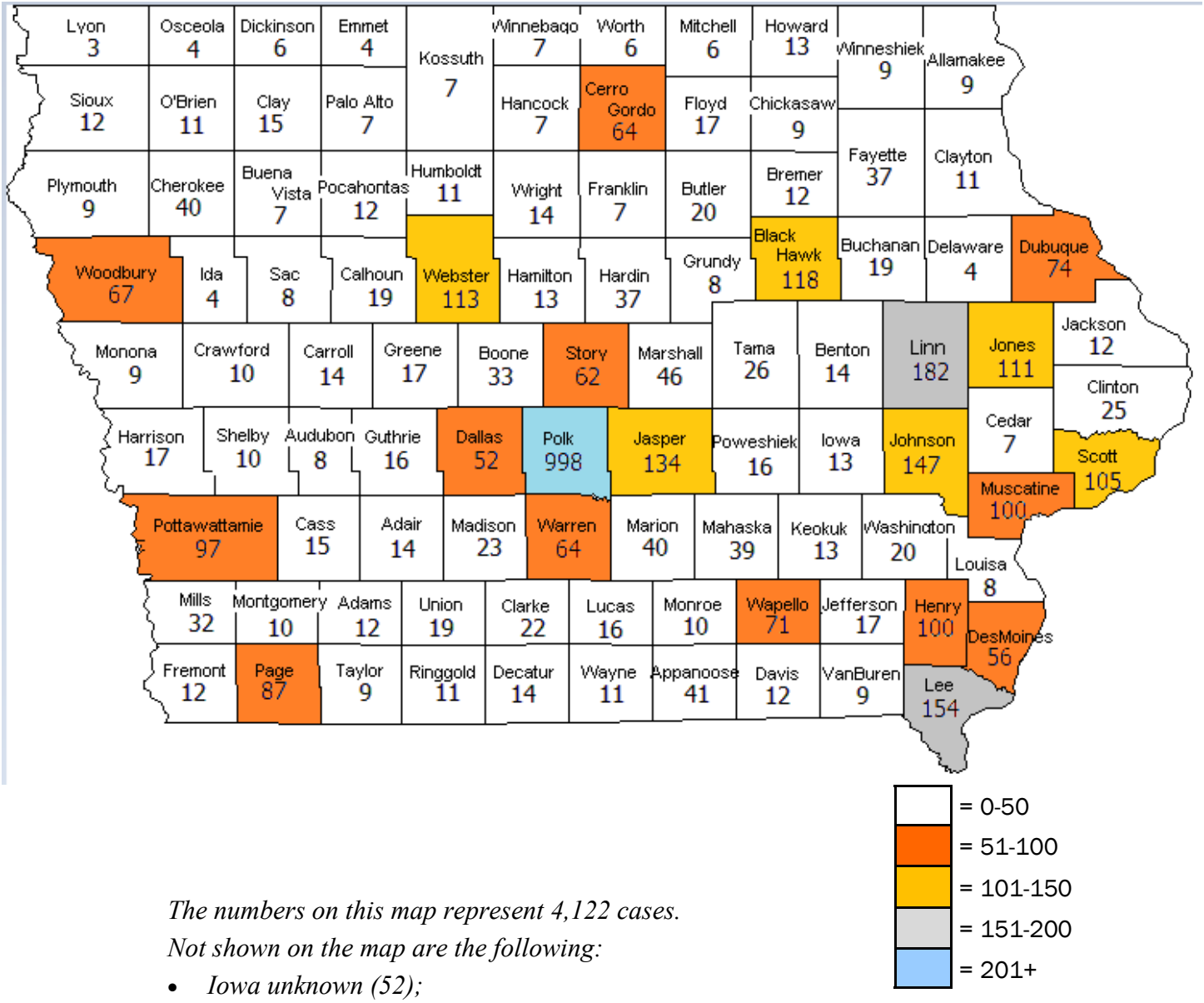
Determinations on Investigated Complaints Closed in 2015



Cases Opened in 2015 by Agency

Name	Jurisdictional Complaints	Jurisdictional Information Requests	Non-jurisdictional Cases	Total	Percentage of Total
Administrative Services	0	3	0	3	0.07%
Aging	2	38	0	40	0.90%
Agriculture & Land Stewardship	0	1	0	1	0.02%
Attorney General/Department of Justice	6	12	0	18	0.41%
Auditor	2	3	0	5	0.11%
Blind	1	0	0	1	0.02%
Civil Rights Commission	6	3	0	9	0.20%
College Aid Commission	1	0	0	1	0.02%
Commerce	14	3	0	17	0.38%
Corrections	752	44	0	796	17.94%
County Soil & Water Conservation Districts	0	0	0	0	0.00%
Cultural Affairs	2	1	0	3	0.07%
Drug Control Policy	0	0	0	0	0.00%
Economic Development	1	1	0	2	0.05%
Education	2	2	0	4	0.09%
Educational Examiners Board	1	0	0	1	0.02%
Ethics and Campaign Disclosure Board	0	2	0	2	0.05%
Executive Council	0	0	0	0	0.00%
Human Rights	3	2	0	5	0.11%
Human Services	378	55	0	433	9.76%
Independent Professional Licensure	3	1	0	4	0.09%
Inspections & Appeals	35	4	0	39	0.88%
Institute for Tomorrow's Workforce	0	0	0	0	0.00%
Iowa Communication Network	1	0	0	1	0.02%
Iowa Finance Authority	0	0	0	0	0.00%
Iowa Lottery	3	0	0	3	0.07%
Iowa Public Employees Retirement System	1	1	0	2	0.05%
Iowa Public Information Board	0	11	0	11	0.25%
Iowa Public Television	1	0	0	1	0.02%
Law Enforcement Academy	0	0	0	0	0.00%
Management	2	1	0	3	0.07%
Municipal Fire & Police Retirement System	0	1	0	1	0.02%
Natural Resources	11	4	0	15	0.34%
Office of Ombudsman	1	46	0	47	1.06%
Parole Board	23	4	0	27	0.61%
Professional Teachers Practice Commission	0	0	0	0	0.00%
Public Defense	1	2	0	3	0.07%
Public Employees Relations Board	0	0	0	0	0.00%
Public Health	11	12	0	23	0.52%
Public Safety	8	3	0	11	0.25%
Regents	10	0	0	10	0.23%
Revenue & Finance	30	14	0	44	0.99%
Secretary of State	4	3	0	7	0.16%
State Fair Authority	2	1	0	3	0.07%
State Government (General)	57	58	0	115	2.59%
Transportation	30	8	0	38	0.86%
Treasurer	0	1	0	1	0.02%
Veterans Affairs Commission	1	5	0	6	0.14%
Workforce Development	37	7	0	44	0.99%
State government - non-jurisdictional					
Governor	0	0	22	22	0.50%
Judiciary	0	0	151	151	3.40%
Legislature and Legislative Agencies	0	0	19	19	0.43%
Governmental Employee-Employer	0	0	22	22	0.50%
Local government					
City Government	489	50	0	539	12.15%
County Government	827	33	0	860	19.39%
Metropolitan/Regional Government	19	1	0	20	0.45%
Community Based Correctional Facilities/Programs	238	11	0	249	5.61%
Schools & School Districts	27	0	0	27	0.61%
Special Projects				44	0.99%
Non-Jurisdictional					
Non-Iowa Government	0	0	106	106	2.39%
Private	0	0	577	577	13.01%
Totals	**3043**	**452**	**897**	**4436**	100.00%

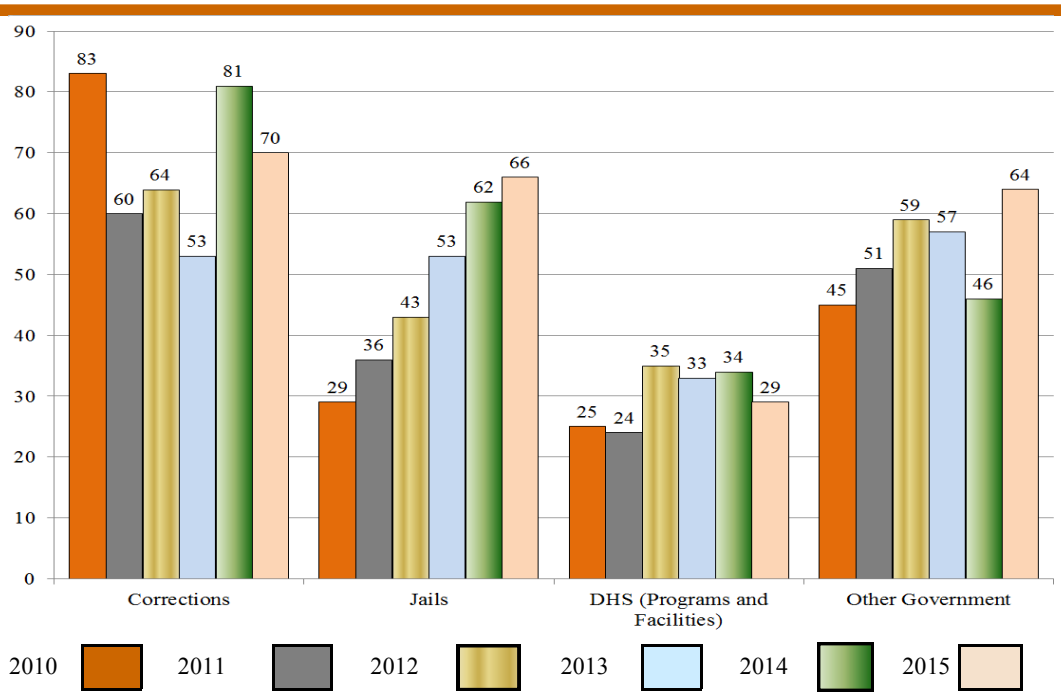
Cases Are Received From All Counties in Iowa



The numbers on this map represent 4,122 cases.
Not shown on the map are the following:

- *Iowa unknown (52);*
- *other states, District of Columbia and territories (230);*
- *other countries (5);*
- *and unknown (27).*

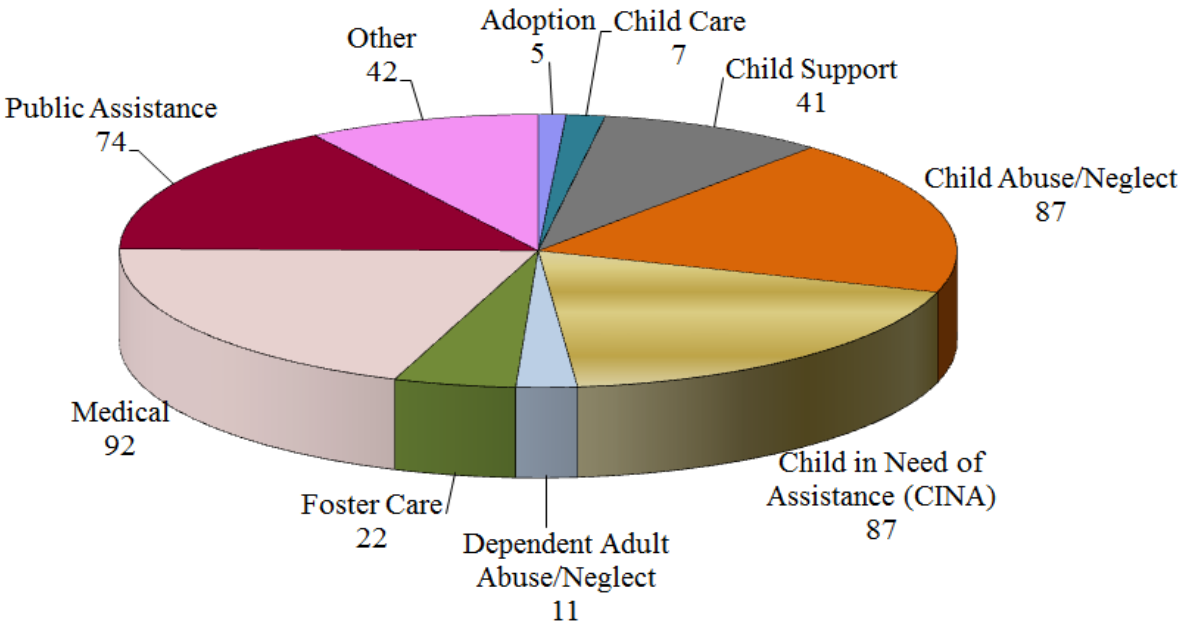
Mental Health Related Cases



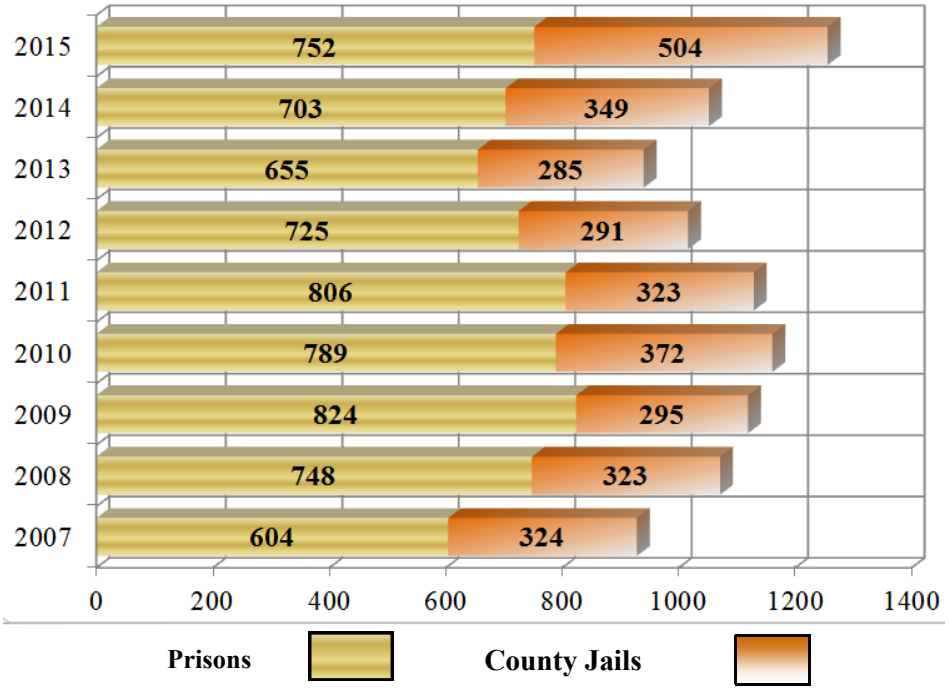
Mental Health related cases identify cases:

- ***Where complainants claim they were adversely impacted as a result of their mental illness.***
- ***Involving the delivery and availability of mental health services.***
- ***Where the agency identifies mental illness as an issue in the complaint.***

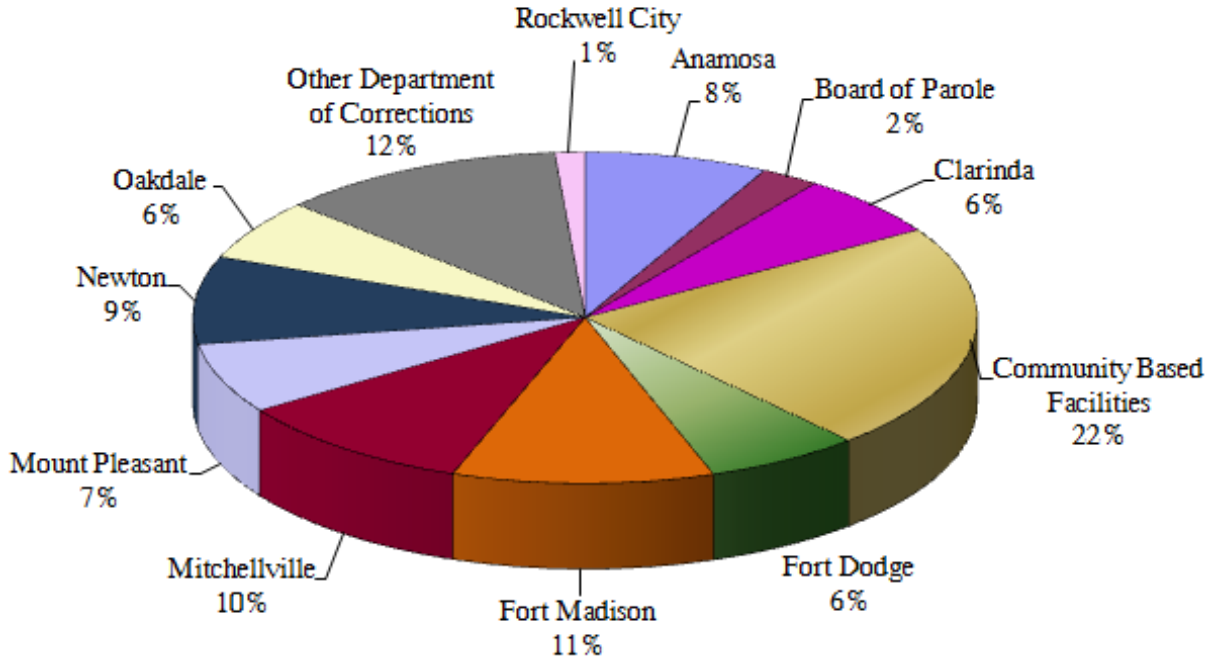
Human Services Cases



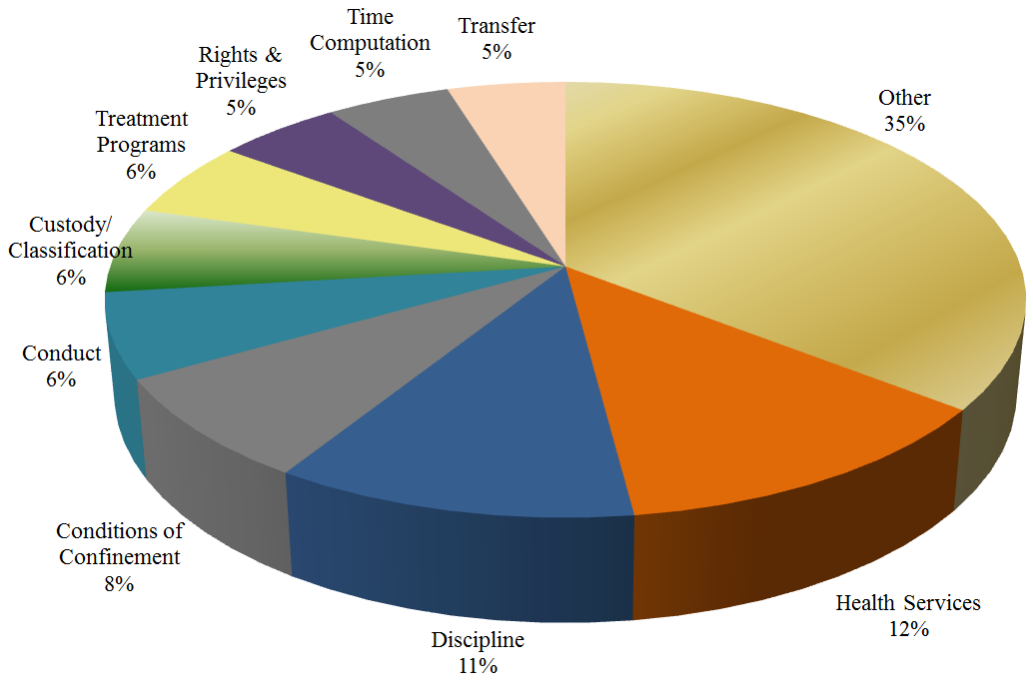
Prison & Jail Complaints



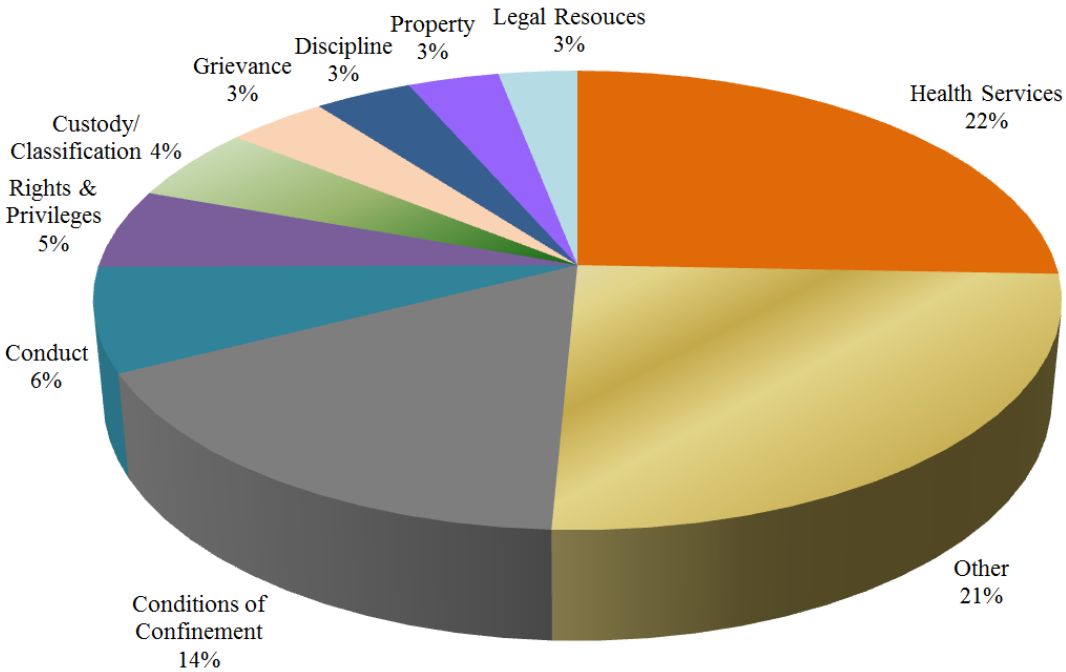
Subjects of State Corrections Cases



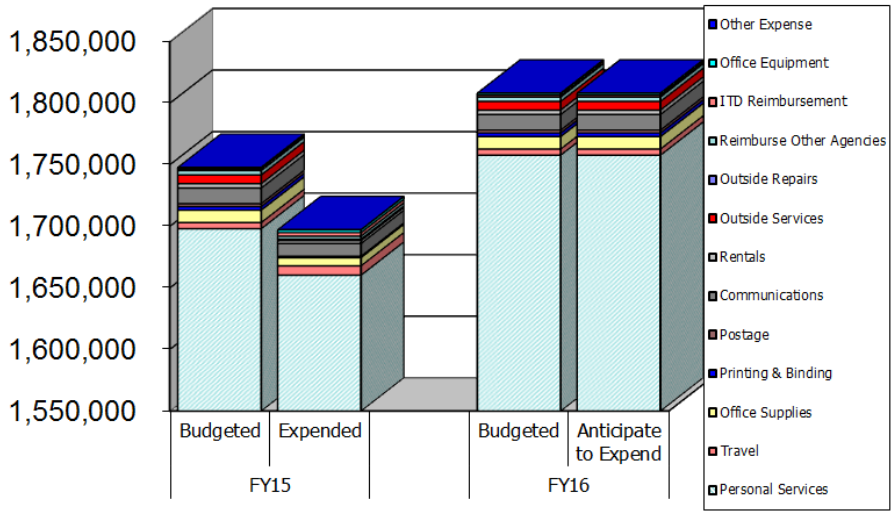
Prison Complaint Issues



Jail Complaint Issues



Office of Ombudsman
FY15 & FY16 Financial Information



Budget information is presented to meet the requirement that state government annual reports to the Legislature include certain financial information.

The Ombudsman and Staff

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Jeff Burnham, Senior Assistant Ombudsman
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Elizabeth Hart, Assistant Ombudsman 3
Angela McBride, Assistant Ombudsman 3
Eleena Mitchell-Sadler, Assistant Ombudsman 3
Jason Pulliam, Assistant Ombudsman 2
Barbara Van Allen, Assistant Ombudsman 3
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