

December 18, 2018

Charles Smithson
Secretary of Senate
State Capitol Building
LOCAL

Carmine Boal
Chief Clerk of the House
State Capitol Building
LOCAL

Dear Ms. Boal and Mr. Smithson

Enclosed please find a copy of a report to the General Assembly relative to the Dependent Adult Abuse Registry Annual Report.

This report was prepared pursuant to the directive contained in Iowa code 235B.13(2).

Sincerely,



Mikki Stier
Deputy Director

MS: mm

Enclosure

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



Department of
HUMAN SERVICES

***Dependent Adult Abuse Registry
Annual Report***

December 2018

Executive Summary:

Iowa Code 235B.5(1) requires the Department of Human Services (DHS) to organize and staff a central registry for child abuse information.

Iowa Code 235B.13(2) requires the DHS to issue an annual report on its administrative operation and data relevant to dependent adult abuse information in the registry.

Introduction:

Iowa Code 235B.13(2) requires the DHS to report annually on its administrative operation, including information as to the number of requests for dependent adult abuse data the proportion of requests 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 Dependent Adult Report and Evaluation System (DARES), which was converted into a web-based system referred to as Joining Applications and Reports from Various Information Systems (JARVIS) on May 2, 2017. The DHS maintains the Registry at central administrative offices in Des Moines, Iowa.

The DHS 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 sections 135C.33 and 235B.6 define who has authorized access to the dependent adult abuse data listed on the Registry.

As a central, front door component of the Registry, the DHS maintains a toll-free telephone line (1-800-362-2178), which is available twenty-four hours a day, seven days a week, including holidays. The DHS staff and all other persons may use this line to report cases of suspected dependent 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 dependent 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 DHS personnel and law enforcement if applicable.

Law Changes Impacting Dependent Adult Abuse:

1983

- Dependent Adult Abuse Codified.

1987

- Dependent Adult Multidisciplinary Teams Codified.

1991

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

1993

- The Department of Inspections and Appeals (DIA) began managing all Dependent Adult Abuse reports for facilities.
- Self-denial of critical care no longer placed on the Registry.

1994

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

1995

- Sexual Exploitation of Dependent Adult resident of a facility codified.

1996

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

1997

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

1998

- Assessment Task Force in the DHS appropriates bill, Senate File 2410.

2002

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

2005

- Dependent Adult abuse data is available on the DHS public website at “Public DA data sharing”.

2006

- “Confirmed” finding codified. Does not require placement on Registry.

2008

- DIA establishes Dependent Adult Abuse Code 235E for entities licensed and certified by DIA.

2009

- Dependent Adult Information System Implemented.

- Dependent Adult Abuse Risk Assessment Tool developed by DAPAC (Dependent Adult Protective Advisory Council).

2010

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

2017

- The DIA adds a new category of abuse, personal degradation, via Iowa Code Chapter 235E, section 1, subsection 5, paragraph a, subparagraph 3.
- The DHS implements new safety assessments, new risk assessments, new dependency assessment, and the Dependent Adult Reporting and Evaluation System statewide.

Dependent Adult Abuse Record Checks:

In accordance with Iowa Code, the DHS processes Registry requests for dependent adult abuse background checks for employers, licensing, registration, and certification. In addition, the DHS completes background checks for the general public with signed authorization of the individual being checked. In 2017, the DHS manually processed 44,964 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 to obtain information on 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 DHS 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 calendar year 2017 there were 236,085 total requests through SING.

Manual and SING requests totaled 281,049 Registry requests for dependent adult abuse information in calendar year 2016. The DHS is also responsible for the Registry for Child Abuse record checks and record maintenance. The data for child abuse is detailed in a separate annual report.

*SING is an internet application developed and sponsored by the Office of the Chief Information Officer (originally by the State Department of Administrative Services until 2014) and the 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, 3 abuse registries (child, dependent adult, and sex offender) and over 40 Public Health professional license types from one click on the screen.

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

SFY 1996

- The field offices opted to process 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.

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. The dependent adult abuse record checks for childcare staff employment was centralized to a single unit (from field offices to the central office) after reorganization January 14, 2002.
- Iowa Code 235B.6 was also 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 the 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 DHS previously approved employment and current record checks do not indicate 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 DHS 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 chapters 135B and 135C (Senate File 347) were amended to allow for conditional employment in a hospital or a health care facility and also for conditional participation in a training program for up to 60 calendar days pending completion of the evaluation.
- These amendments established that if an evaluation was previously performed by the DHS and the DHS determined the person's criminal and abuse backgrounds did not warrant prohibition of employment a person who is or was employed by a hospital and is hired by another hospital the person may commence employment or a new employee may commence employment after 30 days, if the conditions specified in the Act are met.

SFY 2017

- Iowa Code chapter 135C.33 was amended (2017 Iowa Acts, chapter 58/House File 576) to require temporary staffing agencies to conduct criminal, child abuse, and dependent adult abuse record checks and have an evaluation completed by the DHS prior to hiring certain health care providers.
- Iowa Code Chapter 217 was modified to add a new section, 217.45 (House File 547), regarding background investigations conducted by the DHS. As a result, the DHS may conduct background checks and subsequently conduct evaluations on employees who have access to federal tax information.

Data Summary:

In Calendar Year (CY) 2017, the DHS processed 5,687 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:

Calendar Year	Employment	College	Other	Total
2017	3,711	1,748	228	5,687

Record checks for child care home providers and licensed center staff are not included in the totals indicated in the table above. Some of the foster parent 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 DHS processed 34,733 requests from the entities identified in the table below.

Calendar Year	Churches	Medical Facilities	Employment	Volunteer	Schools	Other	Total
2017	2,234	410	20,178	3,499	12,311	645	39,277

General Dependent Adult Abuse Data and Findings:

Calendar Year	Assessments	Abuse Founded	Abuse Unfounded	Abuse Confirmed Not Registered
2017	3,536	434	2,961	141
2016	2,415	351	1,959	105
2015	2,527	352	2,053	122
2014	1,989	276	1,599	114
2013	1,979	268	1,631	80

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 Dependent Adult Abuse Registry is a statewide listing of persons who were found to have abused or neglected a Dependent Adult. Access to the registry is limited to the DHS 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 the registry.