

Senate File 416

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AN ACT
RELATING TO DEPENDENT ADULT ABUSE INCLUDING ELDER ABUSE
EMERGENCY SHELTER AND SUPPORT SERVICES PROJECTS.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 231.56A ELDER ABUSE EMERGENCY
SHELTER AND SUPPORT SERVICES PROJECTS.
1. Through the state's service contract process adopted
pursuant to section 8.47, the department shall identify area
agencies on aging that have demonstrated the ability to
provide a collaborative response to the immediate needs of
elders in the area agency on aging service area for the
purpose of implementing elder abuse emergency shelter and
support services projects. The projects shall be implemented
only in the counties within an area agency on aging service
area that have a multidisciplinary team established pursuant
to section 235B.1.
2. The target population of the projects shall be any
elder residing in the service area of an area agency on aging
who meets both of the following conditions:
a. Is the subject of a report of suspected dependent adult
abuse pursuant to chapter 235B.
b. Is not receiving assistance under a county management
plan approved pursuant to section 331.439.
3. The area agencies on aging implementing the projects
shall identify allowable emergency shelter and support
services, state funding, outcomes, reporting requirements, and
approved community resources from which services may be
obtained under the projects. The area agency on aging shall
identify at least one provider of case management services for
the project area.
4. The area agencies on aging shall implement the projects
and shall coordinate the provider network through the use of
referrals or other engagement of community resources to
provide services to elders.
5. The department shall award funds to the area agencies
on aging in accordance with the state's service contract
process. Receipt and expenditures of moneys under the
projects are subject to examination, including audit, by the
department.
6. This section shall not be construed and is not intended
as, and shall not imply, a grant of entitlement for services
to individuals who are not otherwise eligible for the services
or for utilization of services that do not currently exist or
are not otherwise available.
Sec. 2. Section 235B.3, subsection 5, Code 2003, is
amended to read as follows:
5. Following the reporting of suspected dependent adult
abuse, the department of human services or an agency approved
by the department shall complete an assessment of necessary
services and shall make appropriate referrals for receipt of
these services. The assessment shall include interviews with
the dependent adult, and, if appropriate, with the alleged
perpetrator of the dependent adult abuse and with any person
believed to have knowledge of the circumstances of the case.
The department may provide necessary protective services and
may establish a sliding fee schedule for those persons able to
pay a portion of the protective services.
Sec. 3. Section 235B.6, subsection 2, paragraph c, Code
2003, is amended by adding the following new subparagraph:
NEW SUBPARAGRAPH. (8) An employee of an agency requested
by the department to provide case management or other services
to the dependent adult.
Sec. 4. Section 235B.6, subsection 2, paragraph e, Code
2003, is amended by adding the following new subparagraph:
NEW SUBPARAGRAPH. (10) The long-term care resident's
advocate if the victim resides in a long-term care facility or
the alleged perpetrator is an employee of a long-term care
facility.
Sec. 5. Section 235B.6, subsection 3, Code 2003, is
amended to read as follows:
3. Access to unfounded dependent adult abuse information

3 6 is authorized only to those persons identified in subsection
3 7 2, paragraph "a", paragraph "b", subparagraphs (2), (5), and
3 8 (6), and paragraph "e", ~~subparagraph subparagraphs (2) and~~
3 9 (10).

3 10 Sec. 6. Section 235B.9, subsections 1, 2, and 3, Code
3 11 2003, are amended to read as follows:

3 12 1. ~~Dependent adult abuse information relating to a~~
~~3 13 particular case of suspected dependent adult abuse which is~~
~~3 14 determined by a preponderance of the evidence to be founded,~~
3 15 shall be sealed ten years after the receipt of the initial
3 16 report of such abuse by the registry unless good cause is
3 17 shown why the information should remain open to authorized
3 18 access. If a subsequent report of ~~a suspected case of founded~~
3 19 dependent adult abuse involving the adult named in the initial
3 20 report as the victim of abuse or a person named in such report
3 21 as having abused an adult is received by the registry within
3 22 the ten-year period, the information shall be sealed ten years
3 23 after receipt of the subsequent report unless good cause is
3 24 shown why the information should remain open to authorized
3 25 access.

3 26 2. ~~Dependent adult abuse information which cannot be~~
~~3 27 determined by a preponderance of the evidence to be founded or~~
~~3 28 unfounded shall be expunged one year after the receipt of the~~
~~3 29 initial report of abuse and dependent adult abuse information~~
~~3 30 which is determined by a preponderance of the evidence to be~~
3 31 unfounded shall be expunged ~~immediately when~~ one year from the
3 32 date it is determined to be unfounded.

3 33 3. However, if a correction of dependent adult abuse
3 34 information is requested under section 235B.10 and the issue
3 35 is not resolved at the end of one year the information shall
4 1 be retained until the issue is resolved and if the dependent
4 2 adult abuse information is not determined to be founded, the
4 3 information shall be expunged ~~immediately when~~ one year from
4 4 the date it is determined to be unfounded.

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MARY E. KRAMER
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

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THOMAS J. VILSACK
Governor