



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 1, 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 416, an Act relating to dependent adult abuse including elder abuse emergency shelter and support services projects.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 416

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

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

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

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

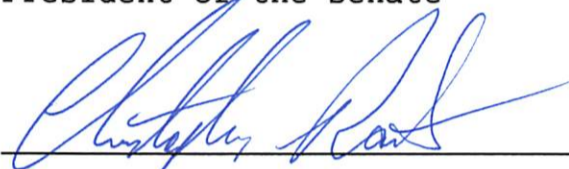
3. However, if a correction of dependent adult abuse information is requested under section 235B.10 and the issue is not resolved at the end of one year the information shall be retained until the issue is resolved and if the dependent

adult abuse information is not determined to be founded, the information shall be expunged ~~immediately-when~~ one year from the date it is determined to be unfounded.



MARY E. KRAMER

President of the Senate



CHRISTOPHER C. RANTS

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 416, Eightieth General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved May 1, 2003



THOMAS J. VILSACK

Governor