

Reprinted 4/87

MAR 27 1987

HOUSE FILE 660
BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(Formerly House File 291)~

Passed House, Date 3-31-87 (1987) Passed Senate, Date _____
Vote: Ayes 84 Nays 9 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to dependent adult abuse, providing penalties,
2 and establishing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 660

1 Section 1. Section 235A.13, subsection 9, is amended to
2 read as follows:

3 9. "Multidisciplinary team" means a group of individuals
4 who possess knowledge and skills related to the diagnosis,
5 assessment, and disposition of child abuse cases and who are
6 professionals practicing in the disciplines of medicine,
7 public health, mental health, social work, child development,
8 education, law, juvenile probation, or law enforcement, or a
9 group established pursuant to section 235B.1, subsection 3,
10 paragraph "a".

11 Sec. 2. Section 235B.1, subsection 1, Code 1987, is
12 amended to read as follows:

13 1. As used in this ~~section~~ chapter, "dependent adult
14 abuse" means:

15 a. Any of the following as a result of the willful or
16 negligent acts or omissions of a caretaker:

17 (1) Physical injury to or unreasonable confinement or
18 cruel punishment of a dependent adult.

19 (2) The commission of a sexual offense under chapter 709
20 or section 726.2 with or against a dependent adult.

21 (3) Exploitation of a dependent adult which means the act
22 or process of taking unfair advantage of a dependent adult or
23 the adult's physical or financial resources for one's own
24 personal or pecuniary profit by the use of undue influence,
25 harassment, duress, deception, false representation, or false
26 pretenses.

27 (4) The deprivation of the minimum food, shelter,
28 clothing, supervision, physical and mental health care, and
29 other care necessary to maintain a dependent adult's life or
30 health.

31 b. The deprivation of the minimum food, shelter, clothing,
32 supervision, physical and mental health care, and other care
33 necessary to maintain a dependent adult's life or health as a
34 result of the acts or omissions of the dependent adult.

35 Sec. 3. Section 235B.1, Code 1987, is amended by adding

1 the following new subsections:

2 NEW SUBSECTION. 2A. "Dependent adult" means a person
3 eighteen years of age or older who is unable to protect the
4 person's own interests or unable to adequately perform or
5 obtain services necessary to meet essential human needs, as a
6 result of a physical or mental condition which requires
7 assistance from another, or as defined by departmental rule.

8 NEW SUBSECTION. 2B. "Caretaker" means a related or
9 nonrelated person who has the responsibility for the
10 protection, care, or custody of a dependent adult as a result
11 of assuming the responsibility voluntarily, by contract,
12 through employment, or by order of the court.

13 Sec. 4. Section 235B.1, subsection 3, Code 1987, is
14 amended to read as follows:

15 3. The department of human services shall operate a
16 program relating to the providing of services in cases of
17 dependent adult abuse. The program shall emphasize the
18 reporting and evaluation of dependent adult abuse of an adult
19 who is unable to protect the adult's own interests or unable
20 to perform or obtain essential services. The program shall
21 include:

22 a. The establishment of multidisciplinary teams to provide
23 leadership at the local and district levels in the delivery of
24 services to victims of dependent adult abuse. A team shall
25 include a membership of individuals who possess knowledge and
26 skills related to the diagnosis, assessment, and disposition
27 of dependent adult abuse cases and who are professionals
28 practicing in the disciplines of medicine, public health,
29 mental health, social work, law, law enforcement, and other
30 disciplines relative to dependent adults. Members of the team
31 shall include, but are not limited to, persons representing
32 the area agencies on aging, county attorneys, health care
33 providers, and others involved in advocating or providing
34 services for dependent adults.

35 b. Provisions for information sharing and case

1 consultation among service providers, care providers, and
2 victims of dependent adult abuse.

3 c. Procedures for referral of cases among service
4 providers, including the referral of victims of dependent
5 adult abuse residing in licensed health care facilities.

6 Sec. 5. Section 235B.1, subsection 4, paragraph a, Code
7 1987, is amended to read as follows:

8 a. A health practitioner, as defined in section 232.68,
9 who examines, attends, or treats a dependent adult and who
10 reasonably believes the dependent adult has suffered dependent
11 adult abuse, shall report the suspected abuse to the
12 department of human services. If the health practitioner
13 examines, attends, or treats the dependent adult as a member
14 of the staff of a hospital or similar institution, the health
15 practitioner shall immediately notify the person in charge of
16 the institution or the person's designated agent, and the
17 person in charge or the designated agent shall make the
18 report.

19 A self-employed social worker, a social worker under the
20 jurisdiction of the department of human services, a social
21 worker employed by a public or private agency or institution,
22 or by a public or private health care facility as defined in
23 section 135C.1, a certified psychologist, a member of the
24 staff of a mental health center, a member of the staff of a
25 hospital, a member of the staff or employee of a public or
26 private health care facility as defined in section 135C.1, or
27 a peace officer, who, in the course of employment, examines,
28 attends, counsels, or treats a dependent adult and reasonably
29 believes the dependent adult has suffered adult abuse shall
30 report the suspected abuse to the department of human
31 services. An in-home homemaker/home health aide or an
32 individual employed as an outreach person shall report
33 suspected adult abuse to the department of human services. If
34 a person is required to report under this section as a member
35 of the staff or employee of a public or private institution,

1 agency, or facility, the person shall immediately notify the
2 person in charge of the institution, agency, or facility, or
3 the person's designated agent, and the person in charge or the
4 designated agent shall make the report.

5 PARAGRAPH DIVIDED. A Any other person who believes that a
6 dependent adult has suffered abuse may report the suspected
7 abuse to the department of human services.

8 PARAGRAPH DIVIDED. The department shall receive dependent
9 adult abuse reports and shall collect, maintain, and
10 disseminate the reports pursuant to sections 235A.12 through
11 235A.24 by expanding the central registry for child abuse to
12 include reports of dependent adult abuse. The department
13 shall evaluate the reports expeditiously. However, the state
14 department of inspections and appeals is solely responsible
15 for the evaluation and disposition of adult abuse cases within
16 health care facilities and shall inform the department of
17 human services of such evaluations and dispositions.

18 Sec. 6. Section 235B.1, subsection 4, paragraph b, Code
19 1987, is amended to read as follows:

20 b. The department of human services shall inform the
21 appropriate county attorneys of any reports. County
22 attorneys, law enforcement agencies, multidisciplinary teams
23 ~~as defined in section 235A.13, subsection 9,~~ and social
24 services agencies in the state shall cooperate and assist in
25 the evaluation upon the request of the department. County
26 attorneys and appropriate law enforcement agencies shall also
27 take any other lawful action necessary or advisable for the
28 protection of the dependent adult.

29 Sec. 7. Section 235B.1, subsection 7, is amended by adding
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. It shall be unlawful for any
32 person or employer to discharge, suspend, or otherwise
33 discipline a person required to report or voluntarily
34 reporting an instance of suspected dependent adult abuse
35 pursuant to subsection 4, cooperating or assisting the

1 department of human services in evaluating a case of dependent
2 adult abuse, or participating in judicial proceedings relating
3 to the reporting or assistance based solely upon the person's
4 reporting or participation relative to the instance of
5 dependent adult abuse. A person or employer found in
6 violation of this paragraph shall, upon conviction, be guilty
7 of a simple misdemeanor.

8 Sec. 8. Section 235B.1, Code 1987, is amended by adding
9 the following new subsections:

10 NEW SUBSECTION. 8. A person, institution, agency, or
11 facility required by this section to report a suspected case
12 of a dependent adult abuse who knowingly and willfully fails
13 to do so is guilty of a simple misdemeanor. A person,
14 institution, agency, or facility required by this section to
15 report a suspected case of dependent adult abuse who knowingly
16 fails to do so is civilly liable for the damages proximately
17 caused by the failure.

18 NEW SUBSECTION. 9 The department of inspections and
19 appeals shall adopt rules which require licensed health care
20 facilities to separate an alleged dependent adult abuser from
21 a victim following an allegation of perpetration of abuse and
22 prior to the completion of an investigation of the allegation.

23 Sec. 9. NEW SECTION. 235B.2 INFORMATION, EDUCATION, AND
24 TRAINING PROGRAMS.

25 1. The department of elder affairs, in cooperation with
26 the department of human services, shall conduct a public
27 information and education program. The elements and goals of
28 the program include but are not limited to:

29 a. Informing the public regarding the laws governing
30 dependent adult abuse and the reporting requirements for
31 dependent adult abuse.

32 b. Providing care givers with information regarding
33 services to alleviate the emotional, psychological, physical,
34 or financial stress associated with the care giver and
35 dependent adult relationship.

1 c. Changing public attitudes regarding the role of a
2 dependent adult in society.

3 2. The department of human services, in cooperation with
4 the department of elder affairs and the department of
5 inspections and appeals, shall institute a program of
6 education and training for persons, including members of
7 provider groups and family members, who may be in contact with
8 dependent adult abuse. The program shall include but is not
9 limited to instruction regarding recognition of dependent
10 adult abuse and the procedure for the reporting of suspected
11 abuse.

12 3. The content of the continuing education required
13 pursuant to chapter 258A for a licensed professional providing
14 care or service to a dependent adult shall include, but is not
15 limited to, the responsibilities, obligations, powers, and
16 duties of a person regarding the reporting of suspected
17 dependent adult abuse, and training to aid the professional in
18 identifying instances of dependent adult abuse.

19 4. The department of inspections and appeals shall provide
20 training to investigators regarding the collection and
21 preservation of evidence in the case of suspected dependent
22 adult abuse.

23 Sec. 10. NEW SECTION. 726.8 WANTON NEGLECT OR NONSUPPORT
24 OF A DEPENDENT ADULT.

25 1. A person commits wanton neglect of a dependent adult if
26 the person knowingly acts in a manner likely to be injurious
27 to the physical, mental, or moral welfare of a dependent
28 adult. Wanton neglect of a dependent adult is a serious
29 misdemeanor.

30 2. A person who has legal responsibility either through
31 contract or court order for support of a dependent adult and
32 who fails or refuses to provide support commits nonsupport.
33 Nonsupport is a class "D" felony.

34 3. A person alleged to have committed wanton neglect or
35 nonsupport of a dependent adult shall be charged with the

1 respective offense unless a charge may be brought based upon a
2 more serious offense in which case the charge of the more
3 serious offense shall supersede the less serious charge.

4 4. For the purposes of this section, "dependent adult"
5 means a dependent adult as defined in section 235B.1,
6 subsection 2A.

7 Sec. 11. MONITORING AND REPORTING. The legislative fiscal
8 bureau shall monitor the reporting of dependent adult abuse,
9 the conducting of dependent adult abuse investigations, and
10 the workload and performance of the personnel of the
11 department of human services and department of inspections and
12 appeals regarding dependent adult abuse investigators in order
13 to project the effect of the provisions of this Act relative
14 to workload and performance standards of the departments. The
15 bureau shall report its findings to the general assembly by
16 February 1, 1988. The department of elder affairs, department
17 of human services, and department of inspections and appeals
18 shall cooperate with the legislative fiscal bureau in the
19 implementation of this section. Following its initial report,
20 the legislative fiscal bureau shall continue the monitoring
21 program, and shall report the findings to the general assembly
22 by February 1 of each year.

23 Sec. 12. EFFECTIVE DATE. Section 5 of this Act shall be
24 effective July 1, 1988.

25 EXPLANATION

26 The bill expands the definition of "multidisciplinary team"
27 to apply to dependent adult abuse for the purposes of the
28 dependent adult abuse registry; corrects a reference to make
29 the definition of "dependent adult abuse" applicable to the
30 entire chapter in place of a single section; defines
31 "dependent adult and "caretaker"; directs the department of
32 human services to include in the currently existing program
33 relating to the provision of services in dependent adult abuse
34 cases the establishment of multidisciplinary teams, provisions
35 for information sharing and case consultation among service

1 providers, case providers, and victims, and procedures for
2 referral of cases among service providers; mandates the
3 reporting of dependent adult abuse by health practitioners,
4 social workers, certified psychologists, peace officers, in-
5 home homemaker/home health aides, and individuals employed as
6 outreach persons; corrects a reference to multidisciplinary
7 teams to reflect the new definition; makes unlawful the
8 discharge of, suspension of, or disciplinary action against a
9 mandatory or voluntary reporter of dependent adult abuse, a
10 person participating in the evaluation of instances of
11 dependent adult abuse, or a person participating in judicial
12 proceedings relative to the instance of dependent adult abuse,
13 based solely upon the person's reporting or participation;
14 requires the department of inspections and appeals to adopt
15 rules to require licensed health care facilities to separate
16 an alleged abuser from a victim prior to completion of an
17 investigation of the allegation; directs the department of
18 elder affairs, in cooperation with the department of human
19 services, to conduct a public information and education
20 program; directs the department of human services, in
21 cooperation with the department of elder affairs and the
22 department of inspections and appeals, to institute a program
23 of education and training for persons who may be in contact
24 with dependent adult abuse; requires that the continuing
25 education required pursuant to the chapter of the Code
26 regarding continuing professional and occupational education
27 include, for a licensed professional providing care or service
28 to a dependent adult, education regarding dependent adults and
29 dependent adult abuse; directs the department of inspections
30 and appeals to provide training to investigators of dependent
31 adult abuse cases; defines wanton neglect of a dependent adult
32 and establishes the penalty for this offense as a serious
33 misdemeanor; defines support and establishes the penalty for
34 the offense of nonsupport of a dependent adult as a class "D"
35 felony; requires that if a more serious charge than wanton

1 neglect or nonsupport is made against a person charged with
2 either of these offenses, the person be charged with the more
3 serious offense; directs the legislative fiscal bureau to
4 monitor the programs established regarding dependent adult
5 abuse to project the effect of the provisions relative to
6 workload and performance standards of the departments involved
7 and directs the bureau to report its findings to the general
8 assembly by February 1, 1983 and also directs the bureau to
9 continue to monitor and report its findings after the
10 effective date for mandatory reporting; and establishes the
11 effective date for mandatory reporting as July 1, 1988.

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HOUSE FILE 660

FISCAL NOTE

REQUESTED BY REPRESENTATIVE HARPER

In compliance with a written request received March 25, 1987, a fiscal note for HOUSE FILE 660 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 660 mandates the reporting of suspected abuse cases of the dependent adult population by health practitioners, social workers, psychologists, and other service providers. Section 1 defines the terms used, such as dependent adult, abuse, and health practitioner. Section 2 states that a multidisciplinary team shall provide leadership at the local and district levels for the delivery of services to abused victims. Department of Inspections and Appeals shall adopt rules separating abusers from victims in health care facilities. The Department of Human Services shall conduct training both to staff, and to other persons who come in contact with dependent adult abuse. This becomes effective July 1, 1988.

Fiscal Impact:

This analysis is based on the following assumptions which have a material impact on the cost analysis presented below. These assumptions include:

A. With the introduction of mandatory reporting, other states have a rate of 3.2 reports per 1,000 persons over age sixty. Iowa has 538,000 persons over sixty. Assuming the reporting rate will be similar in Iowa, 1,090 additional reports will be made for the population over sixty years old. This is a 173% increase over the expected number of reports for this population (630).

B. It is assumed that the increase in abuse reports for those over sixty will be the same for those persons aged eighteen to sixty. The expected number of reports for this population without mandatory reporting is 320. With reporting, 553 additional reports are expected for persons aged eighteen to sixty for a total of 1,643 new reports.

C. The expected increase will not occur immediately. Fifty to seventy-five percent of the new reports will occur in fiscal year 1989, or approximately 69 to 103 new reports per month. This becomes an eighty-six (86) to one hundred and twenty-nine (129) percent increase over the current number of reports. An average of these two figures is used below.

D. The number of reports expected in fiscal year 1990 is expected to increase an additional ten to twenty-five percent. This is not represented in the following analysis.

E. These projections do not include the institutionalized population.

F. The Departments of Inspections and Appeals and Public Health report that HF 660 will have no fiscal impact to their operations.

Page Two, Fiscal Note, House File 660

	Fiscal Year 1988			Fiscal Year 1989		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
<u>EXPENDITURES</u>						
Salaries	\$ 196,873	\$ 196,873	\$ 0	\$ 196,873	\$ 393,895	\$ 197,022
(FTE's)	(5.0)	(5.0)	0	(5.0)	(13.0)	(8.0)
Other	9,000	9,000	0	9,000	22,800	13,800
Total	\$ <u>205,873</u>	\$ <u>205,873</u>	\$ <u>0</u>	\$ <u>205,873</u>	\$ <u>416,674</u>	\$ <u>210,801</u>

Source: Department of Human Services
 Department of Inspections and Appeals
 Department of Public Health

(LSB 2898H, CAR)

FILED MARCH 30, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 660

H-3470

- 1 Amend House File 660 as follows:
- 2 1. Page 1, line 18, by striking the word "cruel"
- 3 and inserting the following: "cruel unreasonable".

H-3470 FILED MARCH 30, 1987 BY SPEAR of Lee
Adopted 3/31/87 (p. 966)

HOUSE FILE 660

H-3471

- 1 Amend House File 660 as follows:
- 2 1. Page 6, line 27, by striking the word "moral"
- 3 and inserting the following: "emotional".

H-3471 FILED MARCH 30, 1987 BY SPEAR of Lee
Adopted 3/31/87 (p. 967)

HOUSE FILE 660

H-3477

- 1 Amend House File 660 as follows:
- 2 1. Page 1, by striking lines 31 through 34 and
- 3 inserting the following:
- 4 "~~b.---The-deprivation-of-the-minimum-food,-shelter,-~~
- 5 ~~clothing,-supervision,-physical-and-mental-health~~
- 6 ~~care,-and-other-care-necessary-to-maintain-a-dependent~~
- 7 ~~adult's-life-or-health-as-a-result-of-the-acts-or~~
- 8 ~~omissions-of-the-dependent-adult."~~
- 9 2. By renumbering as necessary.

H-3477 FILED MARCH 30, 1987 BY SPEAR of Lee
w/LS 3/31 (p. 966)

HOUSE FILE 660

H-3478

- 1 Amend House File 660 as follows:
- 2 1. Page 6, line 25, by striking the word "person"
- 3 and inserting the following: "caretaker".
- 4 2. Page 6, line 26, by striking the word "person"
- 5 and inserting the following: "caretaker".
- 6 3. Page 7, line 6, by inserting after the figure
- 7 "2A" the following: ", and "caretaker" means a
- 8 caretaker as defined in section 235B.1, subsection
- 9 2B".

H-3478 FILED MARCH 30, 1987 BY SPEAR of Lee
Adopted 3/31/86 (p. 966)

HOUSE FILE 660
BY COMMITTEE ON HUMAN RESOURCES

(As Amended and Passed by the House March 31, 1987)

Substituted for S.F. 104 4/13/87

Passed House, Date 4/27/87 (p. 1678) Passed Senate, Date 4/21/87 (p. 1435)

Vote: Ayes 86 Nays 6 Vote: Ayes 38 Nays 11

Approved June 3, 1987

A BILL FOR

- 1 An Act relating to dependent adult abuse, providing penalties,
- 2 and establishing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 660

S-3460

- 1 Amend House File 660, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, lines 13 and 14, by striking the words
- 4 "state department of inspections and appeals" and
- 5 inserting in lieu thereof the following: "Iowa
- 6 department-of-public-health state department of
- 7 inspections and appeals".

S-3460

Filed April 8, 1987

BY AL STURGEON

Adopted 4/21/87 (p. 1434)

HOUSE FILE 660

S-3539

- 1 Amend House File 660 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "NEW SUBSECTION. 2A. "Dependent adult" for the
- 6 purposes of this chapter means a person sixty years of
- 7 age or over who is unable to protect the".

S-3539

Filed April 14, 1987

BY BEVERLY A. HANNON

Revised 4/21/87 (p. 1434)

JULIA GENTLEMAN

HF 660

pf/pk/25

1 Section 1. Section 235A.13, subsection 9, is amended to
2 read as follows:

3 9. "Multidisciplinary team" means a group of individuals
4 who possess knowledge and skills related to the diagnosis,
5 assessment, and disposition of child abuse cases and who are
6 professionals practicing in the disciplines of medicine,
7 public health, mental health, social work, child development,
8 education, law, juvenile probation, or law enforcement, or a
9 group established pursuant to section 235B.1, subsection 3,
10 paragraph "a".

11 Sec. 2. Section 235B.1, subsection 1, Code 1987, is
12 amended to read as follows:

13 1. As used in this section chapter, "dependent adult
14 abuse" means:

15 a. Any of the following as a result of the willful or
16 negligent acts or omissions of a caretaker:

17 (1) Physical injury to or unreasonable confinement or
18 ~~erue~~ unreasonable punishment of a dependent adult.

19 (2) The commission of a sexual offense under chapter 709
20 or section 726.2 with or against a dependent adult.

21 (3) Exploitation of a dependent adult which means the act
22 or process of taking unfair advantage of a dependent adult or
23 the adult's physical or financial resources for one's own
24 personal or pecuniary profit by the use of undue influence,
25 harassment, duress, deception, false representation, or false
26 pretenses.

27 (4) The deprivation of the minimum food, shelter,
28 clothing, supervision, physical and mental health care, and
29 other care necessary to maintain a dependent adult's life or
30 health.

31 b. The deprivation of the minimum food, shelter, clothing,
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8 NEW SUBSECTION. 2B. "Caretaker" means a related or
9 nonrelated person who has the responsibility for the
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15 3. The department of human services shall operate a
16 program relating to the providing of services in cases of
17 dependent adult abuse. The program shall emphasize the
18 reporting and evaluation of dependent adult abuse of an adult
19 who is unable to protect the adult's own interests or unable
20 to perform or obtain essential services. The program shall
21 include:

22 a. The establishment of multidisciplinary teams to provide
23 leadership at the local and district levels in the delivery of
24 services to victims of dependent adult abuse. A team shall
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26 skills related to the diagnosis, assessment, and disposition
27 of dependent adult abuse cases and who are professionals
28 practicing in the disciplines of medicine, public health,
29 mental health, social work, law, law enforcement, and other
30 disciplines relative to dependent adults. Members of the team
31 shall include, but are not limited to, persons representing
32 the area agencies on aging, county attorneys, health care
33 providers, and others involved in advocating or providing
34 services for dependent adults.

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1 consultation among service providers, care providers, and
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13 examines, attends, or treats the dependent adult as a member
14 of the staff of a hospital or similar institution, the health
15 practitioner shall immediately notify the person in charge of
16 the institution or the person's designated agent, and the
17 person in charge or the designated agent shall make the
18 report.

19 A self-employed social worker, a social worker under the
20 jurisdiction of the department of human services, a social
21 worker employed by a public or private agency or institution,
22 or by a public or private health care facility as defined in
23 section 135C.1, a certified psychologist, a member of the
24 staff of a mental health center, a member of the staff of a
25 hospital, a member of the staff or employee of a public or
26 private health care facility as defined in section 135C.1, or
27 a peace officer, who, in the course of employment, examines,
28 attends, counsels, or treats a dependent adult and reasonably
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31 services. An in-home homemaker/home health aide or an
32 individual employed as an outreach person shall report
33 suspected adult abuse to the department of human services. If
34 a person is required to report under this section as a member
35 of the staff or employee of a public or private institution,

1 agency, or facility, the person shall immediately notify the
2 person in charge of the institution, agency, or facility, or
3 the person's designated agent, and the person in charge or the
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19 1987, is amended to read as follows:

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22 attorneys, law enforcement agencies, multidisciplinary teams
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25 the evaluation upon the request of the department. County
26 attorneys and appropriate law enforcement agencies shall also
27 take any other lawful action necessary or advisable for the
28 protection of the dependent adult.

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12 of a dependent adult abuse who knowingly and willfully fails
13 to do so is guilty of a simple misdemeanor. A person,
14 institution, agency, or facility required by this section to
15 report a suspected case of dependent adult abuse who knowingly
16 fails to do so is civilly liable for the damages proximately
17 caused by the failure.

18 NEW SUBSECTION. 9. The department of inspections and
19 appeals shall adopt rules which require licensed health care
20 facilities to separate an alleged dependent adult abuser from
21 a victim following an allegation of perpetration of abuse and
22 prior to the completion of an investigation of the allegation.

23 Sec. 9. NEW SECTION. 235B.2 INFORMATION, EDUCATION, AND
24 TRAINING PROGRAMS.

25 1. The department of elder affairs, in cooperation with
26 the department of human services, shall conduct a public
27 information and education program. The elements and goals of
28 the program include but are not limited to:

29 a. Informing the public regarding the laws governing
30 dependent adult abuse and the reporting requirements for
31 dependent adult abuse.

32 b. Providing care givers with information regarding
33 services to alleviate the emotional, psychological, physical,
34 or financial stress associated with the care giver and
35 dependent adult relationship.

1 c. Changing public attitudes regarding the role of a
2 dependent adult in society.

3 2. The department of human services, in cooperation with
4 the department of elder affairs and the department of
5 inspections and appeals, shall institute a program of
6 education and training for persons, including members of
7 provider groups and family members, who may be in contact with
8 dependent adult abuse. The program shall include but is not
9 limited to instruction regarding recognition of dependent
10 adult abuse and the procedure for the reporting of suspected
11 abuse.

12 3. The content of the continuing education required
13 pursuant to chapter 258A for a licensed professional providing
14 care or service to a dependent adult shall include, but is not
15 limited to, the responsibilities, obligations, powers, and
16 duties of a person regarding the reporting of suspected
17 dependent adult abuse, and training to aid the professional in
18 identifying instances of dependent adult abuse.

19 4. The department of inspections and appeals shall provide
20 training to investigators regarding the collection and
21 preservation of evidence in the case of suspected dependent
22 adult abuse.

23 Sec. 10. NEW SECTION. 726.8 WANTON NEGLECT OR NONSUPPORT
24 OF A DEPENDENT ADULT.

25 1. A caretaker commits wanton neglect of a dependent adult
26 if the caretaker knowingly acts in a manner likely to be
27 injurious to the physical, mental, or emotional welfare of a
28 dependent adult. Wanton neglect of a dependent adult is a
29 serious misdemeanor.

30 2. A person who has legal responsibility either through
31 contract or court order for support of a dependent adult and
32 who fails or refuses to provide support commits nonsupport.
33 Nonsupport is a class "D" felony.

34 3. A person alleged to have committed wanton neglect or
35 nonsupport of a dependent adult shall be charged with the

1 respective offense unless a charge may be brought based upon a
2 more serious offense, in which case the charge of the more
3 serious offense shall supersede the less serious charge.

4 4. For the purposes of this section, "dependent adult"
5 means a dependent adult as defined in section 235B.1,
6 subsection 2A, and "caretaker" means a caretaker as defined in
7 section 235B.1, subsection 2B.

8 Sec. 11. MONITORING AND REPORTING. The legislative fiscal
9 bureau shall monitor the reporting of dependent adult abuse,
10 the conducting of dependent adult abuse investigations, and
11 the workload and performance of the personnel of the
12 department of human services and department of inspections and
13 appeals regarding dependent adult abuse investigators in order
14 to project the effect of the provisions of this Act relative
15 to workload and performance standards of the departments. The
16 bureau shall report its findings to the general assembly by
17 February 1, 1988. The department of elder affairs, department
18 of human services, and department of inspections and appeals
19 shall cooperate with the legislative fiscal bureau in the
20 implementation of this section. Following its initial report,
21 the legislative fiscal bureau shall continue the monitoring
22 program, and shall report the findings to the general assembly
23 by February 1 of each year.

24 Sec. 12. EFFECTIVE DATE. Section 5 of this Act shall be
25 effective July 1, 1988.

26 _____
27 SENATE AMENDMENT TO HOUSE FILE 660

28 H-3887

29 1 Amend House File 660, as amended, passed and
30 2 reprinted by the House, as follows:

31 3 1. Page 4, lines 13 and 14, by striking the words
32 4 "state department of inspections and appeals" and
33 5 inserting in lieu thereof the following: "Iowa
34 6 department-of-public-health state department of
35 7 inspections and appeals".

36 H-3887 FILED APRIL 21, 1987 RECEIVED FROM THE SENATE

37 *House concurred 4/27/87 (p. 1618)*

HOUSE FILE 660

AN ACT
RELATING TO DEPENDENT ADULT ABUSE, PROVIDING PENALTIES, AND
ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 235A.13, subsection 9, Code 1987, is amended to read as follows:

9. "Multidisciplinary team" means a group of individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of child abuse cases and who are professionals practicing in the disciplines of medicine, public health, mental health, social work, child development, education, law, juvenile probation, or law enforcement, or a group established pursuant to section 235B.1, subsection 3, paragraph "a".

Sec. 2. Section 235B.1, subsection 1, Code 1987, is amended to read as follows:

1. As used in this section chapter, "dependent adult abuse" means:

a. Any of the following as a result of the willful or negligent acts or omissions of a caretaker:

(1) Physical injury to or unreasonable confinement or ~~create~~ unreasonable punishment of a dependent adult.

(2) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.

(3) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.

(4) The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health.

b. The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.

Sec. 3. Section 235B.1, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Dependent adult" means a person eighteen years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule.

NEW SUBSECTION. 2B. "Caretaker" means a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.

Sec. 4. Section 235B.1, subsection 3, Code 1987, is amended to read as follows:

3. The department of human services shall operate a program relating to the providing of services in cases of dependent adult abuse. The program shall emphasize the reporting and evaluation of dependent adult abuse of an adult who is unable to protect the adult's own interests or unable to perform or obtain essential services. The program shall include:

a. The establishment of multidisciplinary teams to provide leadership at the local and district levels in the delivery of services to victims of dependent adult abuse. A team shall include a membership of individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition

of dependent adult abuse cases and who are professionals practicing in the disciplines of medicine, public health, mental health, social work, law, law enforcement, and other disciplines relative to dependent adults. Members of the team shall include, but are not limited to, persons representing the area agencies on aging, county attorneys, health care providers, and others involved in advocating or providing services for dependent adults.

b. Provisions for information sharing and case consultation among service providers, care providers, and victims of dependent adult abuse.

c. Procedures for referral of cases among service providers, including the referral of victims of dependent adult abuse residing in licensed health care facilities.

Sec. 5. Section 235B.1, subsection 4, paragraph a, Code 1987, is amended to read as follows:

a. A health practitioner, as defined in section 232.68, who examines, attends, or treats a dependent adult and who reasonably believes the dependent adult has suffered dependent adult abuse, shall report the suspected abuse to the department of human services. If the health practitioner examines, attends, or treats the dependent adult as a member of the staff of a hospital or similar institution, the health practitioner shall immediately notify the person in charge of the institution or the person's designated agent, and the person in charge or the designated agent shall make the report.

A self-employed social worker, a social worker under the jurisdiction of the department of human services, a social worker employed by a public or private agency or institution, or by a public or private health care facility as defined in section 135C.1, a certified psychologist, a member of the staff of a mental health center, a member of the staff of a hospital, a member of the staff or employee of a public or private health care facility as defined in section 135C.1, or

a peace officer, who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered adult abuse shall report the suspected abuse to the department of human services. An in-home homemaker/home health aide or an individual employed as an outreach person shall report suspected adult abuse to the department of human services. If a person is required to report under this section as a member of the staff or employee of a public or private institution, agency, or facility, the person shall immediately notify the person in charge of the institution, agency, or facility, or the person's designated agent, and the person in charge or the designated agent shall make the report.

PARAGRAPH DIVIDED. A Any other person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of human services.

PARAGRAPH DIVIDED. The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports pursuant to sections 235A.12 through 235A.24 by expanding the central registry for child abuse to include reports of dependent adult abuse. The department shall evaluate the reports expeditiously. However, the Iowa department-of-public-health state department of inspections and appeals is solely responsible for the evaluation and disposition of adult abuse cases within health care facilities and shall inform the department of human services of such evaluations and dispositions.

Sec. 6. Section 235B.1, subsection 4, paragraph b, Code 1987, is amended to read as follows:

b. The department of human services shall inform the appropriate county attorneys of any reports. County attorneys, law enforcement agencies, multidisciplinary teams as-defined-in-section-235A-13-subsection-9, and social services agencies in the state shall cooperate and assist in the evaluation upon the request of the department. County

attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

Sec. 7. Section 235B.1, subsection 7, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It shall be unlawful for any person or employer to discharge, suspend, or otherwise discipline a person required to report or voluntarily reporting an instance of suspected dependent adult abuse pursuant to subsection 4, cooperating or assisting the department of human services in evaluating a case of dependent adult abuse, or participating in judicial proceedings relating to the reporting or assistance based solely upon the person's reporting or participation relative to the instance of dependent adult abuse. A person or employer found in violation of this paragraph shall, upon conviction, be guilty of a simple misdemeanor.

Sec. 8. Section 235B.1, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 8. A person, institution, agency, or facility required by this section to report a suspected case of a dependent adult abuse who knowingly and willfully fails to do so is guilty of a simple misdemeanor. A person, institution, agency, or facility required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so is civilly liable for the damages proximately caused by the failure.

NEW SUBSECTION. 9. The department of inspections and appeals shall adopt rules which require licensed health care facilities to separate an alleged dependent adult abuser from a victim following an allegation of perpetration of abuse and prior to the completion of an investigation of the allegation.

Sec. 9. NEW SECTION. 235B.2 INFORMATION, EDUCATION, AND TRAINING PROGRAMS.

1. The department of elder affairs, in cooperation with the department of human services, shall conduct a public information and education program. The elements and goals of the program include but are not limited to:

a. Informing the public regarding the laws governing dependent adult abuse and the reporting requirements for dependent adult abuse.

b. Providing care givers with information regarding services to alleviate the emotional, psychological, physical, or financial stress associated with the care giver and dependent adult relationship.

c. Changing public attitudes regarding the role of a dependent adult in society.

2. The department of human services, in cooperation with the department of elder affairs and the department of inspections and appeals, shall institute a program of education and training for persons, including members of provider groups and family members, who may be in contact with dependent adult abuse. The program shall include but is not limited to instruction regarding recognition of dependent adult abuse and the procedure for the reporting of suspected abuse.

3. The content of the continuing education required pursuant to chapter 258A for a licensed professional providing care or service to a dependent adult shall include, but is not limited to, the responsibilities, obligations, powers, and duties of a person regarding the reporting of suspected dependent adult abuse, and training to aid the professional in identifying instances of dependent adult abuse.

4. The department of inspections and appeals shall provide training to investigators regarding the collection and preservation of evidence in the case of suspected dependent adult abuse.

Sec. 10. NEW SECTION. 726.8 WANTON NEGLECT OR NONSUPPORT OF A DEPENDENT ADULT.

1. A caretaker commits wanton neglect of a dependent adult if the caretaker knowingly acts in a manner likely to be injurious to the physical, mental, or emotional welfare of a dependent adult. Wanton neglect of a dependent adult is a serious misdemeanor.

2. A person who has legal responsibility either through contract or court order for support of a dependent adult and who fails or refuses to provide support commits nonsupport. Nonsupport is a class "D" felony.

3. A person alleged to have committed wanton neglect or nonsupport of a dependent adult shall be charged with the respective offense unless a charge may be brought based upon a more serious offense, in which case the charge of the more serious offense shall supersede the less serious charge.

4. For the purposes of this section, "dependent adult" means a dependent adult as defined in section 235B.1, subsection 2A, and "caretaker" means a caretaker as defined in section 235B.1, subsection 2B.

Sec. 11. MONITORING AND REPORTING. The legislative fiscal bureau shall monitor the reporting of dependent adult abuse, the conducting of dependent adult abuse investigations, and the workload and performance of the personnel of the department of human services and department of inspections and appeals regarding dependent adult abuse investigators in order to project the effect of the provisions of this Act relative to workload and performance standards of the departments. The bureau shall report its findings to the general assembly by February 1, 1988. The department of elder affairs, department of human services, and department of inspections and appeals shall cooperate with the legislative fiscal bureau in the implementation of this section. Following its initial report, the legislative fiscal bureau shall continue the monitoring program, and shall report the findings to the general assembly by February 1 of each year.

Sec. 12. EFFECTIVE DATE. Section 5 of this Act shall be effective July 1, 1988.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 660, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House
Approved June 3, 1987

TERRY E. BRANSTAD
Governor