

Hoversten, Ch.  
Boddicker  
Smith

HSB 73  
HUMAN RESOURCES

Succeeded  
SF (HF)

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON BODDICKER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to compliance with mandatory child and dependent  
2 adult abuse reporter training requirements.

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

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1 Section 1. Section 232.69, subsection 3, Code 2001, is  
2 amended to read as follows:

3 3. a. For the purposes of this subsection, "licensing  
4 board" means an examining board designated in section 147.13,  
5 the board of educational examiners created in section 272.2,  
6 or a licensing board as defined in section 272C.1.

7 b. A person required to make a report under subsection 1,  
8 other than a physician whose professional practice does not  
9 regularly involve providing primary health care to children,  
10 shall complete two hours of training relating to the  
11 identification and reporting of child abuse within six months  
12 of initial employment or self-employment involving the  
13 examination, attending, counseling, or treatment of children  
14 on a regular basis. Within one month of initial employment or  
15 self-employment, the person shall obtain a statement of the  
16 abuse reporting requirements from the person's employer or, if  
17 self-employed, from the department. The person shall complete  
18 at least two hours of additional child abuse identification  
19 and reporting training every five years.

20 c. If the person is an employee of a hospital or similar  
21 institution, or of a public or private institution, agency, or  
22 facility, the employer shall be responsible for providing the  
23 child abuse identification and reporting training. If the  
24 person is self-employed, the person shall be responsible for  
25 obtaining the child abuse identification and reporting  
26 training.

27 d. The person may complete the initial or additional  
28 training as part of a continuing education program required  
29 under chapter 272C or may complete the training as part of a  
30 training program offered by the department of human services,  
31 the department of education, an area education agency, a  
32 school district, the Iowa law enforcement academy, or a  
33 similar public agency.

34 e. A licensing board with authority over the license of a  
35 person required to make a report under subsection 1 shall

1 require as a condition of licensure that the person must have  
2 completed the requirements for abuse training under this  
3 subsection. The licensing board shall require the person upon  
4 initial licensure and upon licensure renewal to accurately  
5 document for the licensing board the person's completion of  
6 the training requirements.

7 f. For persons required to make a report under subsection  
8 1 who are not engaged in a licensed profession that is subject  
9 to the authority of a licensing board but are employed by a  
10 facility or program subject to licensure, registration, or  
11 approval by a state agency, the agency shall require as a  
12 condition of the facility's or program's initial licensure,  
13 registration, or approval, and upon renewal, that such persons  
14 employed by the facility or program are in compliance with the  
15 training requirements of this subsection.

16 g. For peace officers, the elected or appointed official  
17 designated as the head of the agency employing the peace  
18 officer shall ensure compliance with the training requirements  
19 of this subsection.

20 h. For persons required to make a report under subsection  
21 1 who are employees of state departments and political  
22 subdivisions of the state, the department director or the  
23 chief administrator of the political subdivision shall ensure  
24 the persons' compliance with the training requirements of this  
25 subsection.

26 Sec. 2. Section 235B.16, subsection 5, Code 2001, is  
27 amended to read as follows:

28 5. a. For the purposes of this subsection, "licensing  
29 board" means an examining board designated in section 147.13,  
30 the board of educational examiners created in section 272.2,  
31 or a licensing board as defined in section 272C.1.

32 b. A person required to report cases of dependent adult  
33 abuse pursuant to section 235B.3, other than a physician whose  
34 professional practice does not regularly involve providing  
35 primary health care to adults, shall complete two hours of

1 training relating to the identification and reporting of  
2 dependent adult abuse within six months of initial employment  
3 or self-employment which involves the examination, attending,  
4 counseling, or treatment of adults on a regular basis. Within  
5 one month of initial employment or self-employment, the person  
6 shall obtain a statement of the abuse reporting requirements  
7 from the person's employer or, if self-employed, from the  
8 department. The person shall complete at least two hours of  
9 additional dependent adult abuse identification and reporting  
10 training every five years.

11 c. If the person is an employee of a hospital or similar  
12 public or private facility, the employer shall be responsible  
13 for providing the training. To the extent that the employer  
14 provides approved training on the employer's premises, the  
15 hours of training completed by employees shall be included in  
16 the calculation of nursing or service hours required to be  
17 provided to a patient or resident per day. If the person is  
18 self-employed, the person shall be responsible for obtaining  
19 the training.

20 d. The person may complete the initial or additional  
21 training as a part of a continuing education program required  
22 under chapter 272C or may complete the training as a part of a  
23 training program offered by the department of human services,  
24 the department of elder affairs, the department of inspections  
25 and appeals, the Iowa law enforcement academy, or a similar  
26 public agency.

27 e. A person required to complete both child abuse and  
28 dependent adult abuse mandatory reporter training may complete  
29 the training through a program which combines child abuse and  
30 dependent adult abuse curricula and thereby meet the training  
31 requirements of both this subsection and section 232.69  
32 simultaneously. A person who is a mandatory reporter for both  
33 child abuse and dependent adult abuse may satisfy the combined  
34 training requirements of this subsection through completion of  
35 a two-hour training program, if the training program

1 curriculum and content are approved by the department of human  
2 services.

3 f. A licensing board with authority over the license of a  
4 person required to report cases of dependent adult abuse  
5 pursuant to section 235B.3 shall require as a condition of  
6 licensure that the person must have completed the requirements  
7 for abuse training under this subsection. The licensing board  
8 shall require the person upon initial licensure and upon  
9 licensure renewal to accurately document for the licensing  
10 board the person's completion of the training requirements.

11 g. For persons required to report cases of dependent adult  
12 abuse pursuant to section 235B.3, who are not engaged in a  
13 licensed profession that is subject to the authority of a  
14 licensing board but are employed by a facility or program  
15 subject to licensure, registration, or approval by a state  
16 agency, the agency shall require as a condition of the  
17 facility's or program's initial licensure, registration, or  
18 approval, and upon renewal, that such persons employed by the  
19 facility or program are in compliance with the training  
20 requirements of this subsection.

21 h. For peace officers, the elected or appointed official  
22 designated as the head of the agency employing the peace  
23 officer shall ensure compliance with the training requirements  
24 of this subsection.

25 i. For persons required to report cases of dependent adult  
26 abuse pursuant to section 235B.3 who are employees of state  
27 departments and political subdivisions of the state, the  
28 department director or the chief administrator of the  
29 political subdivision shall ensure the persons' compliance  
30 with the training requirements of this subsection.

31 EXPLANATION

32 This bill amends requirements applicable to mandatory  
33 reporters of child and dependent adult abuse by requiring  
34 persons or bodies with professional or other supervisory  
35 responsibilities over a mandatory reporter to ensure the

1 reporter's compliance with training requirements.

2 Under current law in Code section 232.69, relating to child  
3 abuse, and in Code section 235B.16, relating to dependent  
4 adult abuse, mandatory reporters of those forms of abuse are  
5 required to have two hours of training on identifying and  
6 reporting the abuse. The initial two hours of training must  
7 be completed within six months of initial employment or self-  
8 employment and an additional two hours of training is required  
9 every five years. If a person is a mandatory reporter of both  
10 forms of abuse, the training may be combined in curriculums  
11 subject to approval by the department of human services.

12 The bill directs licensing boards to require the training  
13 and documentation of completion of the training as a condition  
14 of licensure for persons with professional licenses who are  
15 mandatory reporters of abuse. As defined by the bill, this  
16 directive extends to the applicable health profession  
17 licensing boards under Code chapter 147, the board of  
18 educational examiners under Code chapter 272, and various  
19 health and other professional licensing boards that have  
20 continuing education requirements under Code chapter 272C.

21 For mandatory reporters who do not hold a professional  
22 license but are employed by entities subject to licensure,  
23 registration, or approval of a state agency, employee  
24 compliance with the training directive is made a condition of  
25 licensure, registration, or approval for the entities.

26 The elected or appointed official heading an agency  
27 employing a peace officer is directed to ensure the peace  
28 officer's compliance with the mandatory reporter training  
29 directive.

30 A state department director or the head of a political  
31 subdivision is directed to ensure compliance with the training  
32 directive by public employees who are mandatory reporters.

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# REPRINTED

MAR 21 2001  
Place On Calendar

HOUSE FILE 680  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 73)

Passed House, <sup>(P. 899)</sup> Date 3-27-01 Passed Senate, <sup>(P. 1248)</sup> Date 4/23/01  
Vote: Ayes 97 Nays 0 Vote: Ayes 42 Nays 3  
Approved May 7, 2001

## A BILL FOR

1 An Act relating to child and dependent abuse reporting and civil  
2 remedies pertaining to such reporting.

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

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HF 680

1 Section 1. Section 135.11, Code 2001, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 26. Establish an abuse education review  
4 panel for review and approval of mandatory reporter training  
5 curricula for those persons who work in a position  
6 classification that under law makes the persons mandatory  
7 reporters of child or dependent adult abuse and the position  
8 classification does not have a mandatory reporter training  
9 curriculum approved by a licensing or examining board.

10 Sec. 2. Section 232.69, subsection 1, paragraph b, Code  
11 2001, is amended to read as follows:

12 b. Any of the following persons who, in the scope of  
13 professional practice or in their employment responsibilities,  
14 examines, attends, counsels, or treats a child and reasonably  
15 believes a child has suffered abuse:

16 (1) A self-employed social worker.

17 ~~(2) A social worker under the jurisdiction of the~~  
18 ~~department of human services.~~

19 ~~(3) A social worker employed by a public or private agency~~  
20 ~~or institution.~~

21 ~~(4)~~ (2) An employee or operator of a public or private  
22 health care facility as defined in section 135C.1.

23 (5) (3) A certified psychologist.

24 (6) (4) A licensed school employee, certified  
25 paraeducator, or holder of a coaching authorization issued  
26 under section 272.31.

27 (7) (5) An employee or operator of a licensed child care  
28 center, or registered child care home, or head start program.

29 (8) (6) An employee or operator of a substance abuse  
30 program or facility licensed under chapter 125.

31 (9) (7) An employee of a department of human services  
32 institution listed in section 218.1.

33 (10) (8) An employee or operator of a juvenile detention  
34 or juvenile shelter care facility approved under section  
35 232.142.

1     ~~(9)~~ (9) An employee or operator of a foster care facility  
2 licensed or approved under chapter 237.

3     ~~(10)~~ (10) An employee or operator of a mental health  
4 center.

5     ~~(11)~~ (11) A peace officer.

6     ~~(14) --A-dental-hygienist--~~

7     ~~(12)~~ (12) A counselor, or mental health professional.

8     Sec. 3. Section 232.69, subsection 3, Code 2001, is  
9 amended to read as follows:

10     3. a. For the purposes of this subsection, "licensing  
11 board" means an examining board designated in section 147.13,  
12 the board of educational examiners created in section 272.2,  
13 or a licensing board as defined in section 272C.1.

14     b. A person required to make a report under subsection 1,  
15 other than a physician whose professional practice does not  
16 regularly involve providing primary health care to children,  
17 shall complete two hours of training relating to the  
18 identification and reporting of child abuse within six months  
19 of initial employment or self-employment involving the  
20 examination, attending, counseling, or treatment of children  
21 on a regular basis. Within one month of initial employment or  
22 self-employment, the person shall obtain a statement of the  
23 abuse reporting requirements from the person's employer or, if  
24 self-employed, from the department. The person shall complete  
25 at least two hours of additional child abuse identification  
26 and reporting training every five years.

27     c. If the person is an employee of a hospital or similar  
28 institution, or of a public or private institution, agency, or  
29 facility, the employer shall be responsible for providing the  
30 child abuse identification and reporting training. If the  
31 person is self-employed, employed in a licensed or certified  
32 profession, or employed by a facility or program that is  
33 subject to licensure, regulation, or approval by a state  
34 agency, the person shall ~~be responsible for obtaining~~ obtain  
35 the child abuse identification and reporting training as

1 provided in paragraph "d".

2 d. The person may complete the initial or additional  
3 training requirements as part of a any of the following that  
4 are applicable to the person:

5 (1) A continuing education program required under chapter  
6 272C ~~or may complete the training as part of a~~ and approved by  
7 the appropriate licensing or examining board.

8 (2) A training program using a curriculum approved by the  
9 abuse education review panel established by the director of  
10 public health pursuant to section 135.11.

11 (3) A training program using such an approved curriculum  
12 offered by the department of human services, the department of  
13 education, an area education agency, a school district, the  
14 Iowa law enforcement academy, or a similar public agency.

15 e. A licensing board with authority over the license of a  
16 person required to make a report under subsection 1 shall  
17 require as a condition of licensure that the person must have  
18 completed the requirements for abuse training under this  
19 subsection. The licensing board shall require the person upon  
20 licensure renewal to accurately document for the licensing  
21 board the person's completion of the training requirements.

22 f. For persons required to make a report under subsection  
23 1 who are not engaged in a licensed profession that is subject  
24 to the authority of a licensing board but are employed by a  
25 facility or program subject to licensure, registration, or  
26 approval by a state agency, the agency shall require as a  
27 condition of renewal of the facility's or program's licensure,  
28 registration, or approval, that such persons employed by the  
29 facility or program are in compliance with the training  
30 requirements of this subsection.

31 g. For peace officers, the elected or appointed official  
32 designated as the head of the agency employing the peace  
33 officer shall ensure compliance with the training requirements  
34 of this subsection.

35 h. For persons required to make a report under subsection

1 l who are employees of state departments and political  
2 subdivisions of the state, the department director or the  
3 chief administrator of the political subdivision shall ensure  
4 the persons' compliance with the training requirements of this  
5 subsection.

6 Sec. 4. Section 232.70, Code 2001, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 1A. The employer or supervisor of a  
9 person who is a mandatory or permissive reporter shall not  
10 apply a policy, work rule, or other requirement that  
11 interferes with the person making a report of child abuse.

12 Sec. 5. Section 232.71B, subsection 14, Code 2001, is  
13 amended to read as follows:

14 14. FALSE REPORTS. If a fourth report is received from  
15 the same person who made three earlier reports which  
16 identified the same child as a victim of child abuse and the  
17 same person responsible for the care of the child as the  
18 alleged abuser and which were determined by the department to  
19 be entirely false or without merit, the department may  
20 determine that the report is again false or without merit due  
21 to the report's spurious or frivolous nature and may in its  
22 discretion terminate its assessment of the report. If the  
23 department receives more than three reports which identify the  
24 same child as a victim of child abuse or the same person as  
25 the alleged abuser of a child, or which were made by the same  
26 person, and the department determined the reports to be  
27 entirely false or without merit, the department shall provide  
28 information concerning the reports to the county attorney for  
29 consideration of criminal charges under section 232.75,  
30 subsection 3.

31 Sec. 6. Section 232.75, subsection 2, Code 2001, is  
32 amended to read as follows:

33 2. Any person, official, agency, or institution, required  
34 by section 232.69 to report a suspected case of child abuse  
35 who knowingly fails to do so or who knowingly interferes with

1 the making of such a report in violation of section 232.70, is  
2 civilly liable for the damages proximately caused by such  
3 failure or interference.

4 Sec. 7. Section 235B.3, subsection 2, paragraphs a, b, and  
5 c, Code 2001, are amended to read as follows:

6 a. A self-employed social worker.

7 ~~b.---A-social-worker-or-an-income-maintenance-worker-under~~  
8 ~~the-jurisdiction-of-the-department-of-human-services.~~

9 ~~c.---A-social-worker-employed-by-a-public-or-private-person~~  
10 ~~including-a-public-or-private-health-care-facility-as-defined~~  
11 ~~in-section-135C-1.~~

12 Sec. 8. Section 235B.3, subsection 3, Code 2001, is  
13 amended to read as follows:

14 3. a. If a staff member or employee is required to report  
15 pursuant to this section, the person shall immediately notify  
16 the person in charge or the person's designated agent, and the  
17 person in charge or the designated agent shall make the report  
18 by the end of the next business day.

19 b. The employer or supervisor of a person who is required  
20 to or may make a report pursuant to this section shall not  
21 apply a policy, work rule, or other requirement that  
22 interferes with the person making a report of dependent adult  
23 abuse or that results in the failure of another person to make  
24 the report.

25 Sec. 9. Section 235B.3, subsection 10, Code 2001, is  
26 amended to read as follows:

27 10. A person required by this section to report a  
28 suspected case of dependent adult abuse who knowingly and  
29 willfully fails to do so ~~is-guilty-of~~ commits a simple  
30 misdemeanor. A person required by this section to report a  
31 suspected case of dependent adult abuse who knowingly fails to  
32 do so or who knowingly, in violation of subsection 3,  
33 interferes with the making of such a report or applies a  
34 requirement that results in such a failure, is civilly liable  
35 for the damages proximately caused by the failure.

1     Sec. 10. Section 235B.16, subsection 5, Code 2001, is  
2 amended to read as follows:

3     5. a. For the purposes of this subsection, "licensing  
4 board" means an examining board designated in section 147.13,  
5 the board of educational examiners created in section 272.2,  
6 or a licensing board as defined in section 272C.1.

7     b. A person required to report cases of dependent adult  
8 abuse pursuant to section 235B.3, other than a physician whose  
9 professional practice does not regularly involve providing  
10 primary health care to adults, shall complete two hours of  
11 training relating to the identification and reporting of  
12 dependent adult abuse within six months of initial employment  
13 or self-employment which involves the examination, attending,  
14 counseling, or treatment of adults on a regular basis. Within  
15 one month of initial employment or self-employment, the person  
16 shall obtain a statement of the abuse reporting requirements  
17 from the person's employer or, if self-employed, from the  
18 department. The person shall complete at least two hours of  
19 additional dependent adult abuse identification and reporting  
20 training every five years.

21     c. If the person is an employee of a hospital or similar  
22 public or private facility, the employer shall be responsible  
23 for providing the training. To the extent that the employer  
24 provides approved training on the employer's premises, the  
25 hours of training completed by employees shall be included in  
26 the calculation of nursing or service hours required to be  
27 provided to a patient or resident per day. If the person is  
28 self-employed, employed in a licensed or certified profession,  
29 or employed by a facility or program that is subject to  
30 licensure, regulation, or approval by a state agency, the  
31 person shall ~~be responsible for obtaining~~ obtain the training  
32 as provided in paragraph "d".

33     d. The person may complete the initial or additional  
34 training requirements as a part of a any of the following that  
35 are applicable to the person:

1 (1) A continuing education program required under chapter  
2 272C or may complete the training as a part of a and approved  
3 by the appropriate licensing or examining board.

4 (2) A training program using a curriculum approved by the  
5 abuse education review panel established by the director of  
6 public health pursuant to section 135.11.

7 (3) A training program using such an approved curriculum  
8 offered by the department of human services, the department of  
9 elder affairs, the department of inspections and appeals, the  
10 Iowa law enforcement academy, or a similar public agency.

11 e. A person required to complete both child abuse and  
12 dependent adult abuse mandatory reporter training may complete  
13 the training through a program which combines child abuse and  
14 dependent adult abuse curricula and thereby meet the training  
15 requirements of both this subsection and section 232.69  
16 simultaneously. A person who is a mandatory reporter for both  
17 child abuse and dependent adult abuse may satisfy the combined  
18 training requirements of this subsection through completion of  
19 a two-hour training program, if the training program  
20 curriculum and content are approved by the department of human  
21 services is approved by the appropriate licensing or examining  
22 board or the abuse education review panel established by the  
23 director of public health pursuant to section 135.11.

24 f. A licensing board with authority over the license of a  
25 person required to report cases of dependent adult abuse  
26 pursuant to section 235B.3 shall require as a condition of  
27 licensure that the person must have completed the requirements  
28 for abuse training under this subsection. The licensing board  
29 shall require the person upon licensure renewal to accurately  
30 document for the licensing board the person's completion of  
31 the training requirements.

32 g. For persons required to report cases of dependent adult  
33 abuse pursuant to section 235B.3, who are not engaged in a  
34 licensed profession that is subject to the authority of a  
35 licensing board but are employed by a facility or program

1 subject to licensure, registration, or approval by a state  
2 agency, the agency shall require as a condition of the renewal  
3 of the facility's or program's licensure, registration, or  
4 approval, that such persons employed by the facility or  
5 program are in compliance with the training requirements of  
6 this subsection.

7 h. For peace officers, the elected or appointed official  
8 designated as the head of the agency employing the peace  
9 officer shall ensure compliance with the training requirements  
10 of this subsection.

11 i. For persons required to report cases of dependent adult  
12 abuse pursuant to section 235B.3 who are employees of state  
13 departments and political subdivisions of the state, the  
14 department director or the chief administrator of the  
15 political subdivision shall ensure the persons' compliance  
16 with the training requirements of this subsection.

17 EXPLANATION

18 This bill relates to child and dependent adult abuse  
19 reporting and civil remedies pertaining to such reporting.

20 Code section 135.11, relating to the duties of the director  
21 of public health, is amended to require the director to  
22 establish an abuse education review panel. The panel is  
23 required to review and approve mandatory reporter training  
24 curricula for persons who are mandatory reporters of child or  
25 dependent adult abuse and work in position classifications  
26 that do not have a licensing or examining board that approves  
27 the training curricula.

28 Code section 232.69, listing those who are mandatory  
29 reporters of child abuse, is amended to include certified  
30 para-educators, holders of a coaching authorization, and an  
31 operator or employee of a head start program as mandatory  
32 reporters of child abuse. The three types of social workers  
33 who are mandatory reporters under current law are combined  
34 into a single social worker classification. The specific  
35 listing of dental hygienists is stricken but the mandatory

1 reporter requirement for this profession remains because  
2 dental hygienists are mandatory reporters due to their  
3 inclusion in the juvenile justice code definition of "health  
4 practitioner".

5 Under current law in Code section 232.69, relating to child  
6 abuse, and in Code section 235B.16, relating to dependent  
7 adult abuse, mandatory reporters of those forms of abuse are  
8 required to have two hours of training on identifying and  
9 reporting the abuse. The initial two hours of training must  
10 be completed within six months of initial employment or self-  
11 employment and an additional two hours of training is required  
12 every five years. If a person is a mandatory reporter of both  
13 forms of abuse, the training may be combined in curriculums  
14 subject to approval by the appropriate licensing board or the  
15 abuse education review panel.

16 The bill directs licensing boards to require the training  
17 and documentation of completion of the training as a condition  
18 of licensure for persons with professional licenses who are  
19 mandatory reporters of abuse. As defined by the bill, this  
20 directive extends to the applicable health profession  
21 licensing boards under Code chapter 147, the board of  
22 educational examiners under Code chapter 272, and various  
23 health and other professional licensing boards that have  
24 continuing education requirements under Code chapter 272C.

25 For mandatory reporters who do not hold a professional  
26 license but are employed by entities subject to licensure,  
27 registration, or approval of a state agency, employee  
28 compliance with the training directive is made a condition of  
29 licensure, registration, or approval for the entities.

30 The elected or appointed official heading an agency  
31 employing a peace officer is directed to ensure the peace  
32 officer's compliance with the mandatory reporter training  
33 directive.

34 A state department director or the head of a political  
35 subdivision is directed to ensure compliance with the training

1 directive by public employees who are mandatory reporters.

2 Code sections 232.70 and 235B.3, relating to the processes  
3 of reporting child abuse and dependent adult abuse, are  
4 amended to provide that the employer or supervisor of a person  
5 who is required to or may report such abuse is prohibited from  
6 applying requirements that interfere with the making of an  
7 abuse report or that results in the failure of another person  
8 to make a report. Code sections 232.75 and 235B.3 are also  
9 amended to provide that an employer or supervisor that  
10 knowingly interferes or applies a requirement resulting in the  
11 failure to make a report is civilly liable for the damages  
12 caused by the interference or failure.

13 Code section 232.71B, subsection 15, relating to reports of  
14 child abuse that the department of human services determines  
15 were entirely false or without merit, is amended. If the  
16 department receives more than three such false or meritless  
17 reports concerning the same child or alleged abuser or from  
18 the same person, the department is required to provide  
19 information concerning the reports to the county attorney for  
20 consideration of criminal charges. Under Code section 232.75,  
21 a person who reports or causes to be reported to the  
22 department false information regarding an alleged act of child  
23 abuse, knowing that the information is false or that the act  
24 did not occur, commits a simple misdemeanor.

25 Code section 235B.3, relating to mandatory reporters of  
26 dependent adult abuse, is amended to combine the three types  
27 of social workers who are mandatory reporters under current  
28 law into a single social worker classification.

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HOUSE FILE 680

H-1332

1 Amend House File 680 as follows:

2 1. Page 3, line 21, by inserting after the word  
3 "requirements." the following: "For a person who is  
4 engaged in active duty in the military service of this  
5 state or the United States, the licensing board may  
6 suspend the abuse training requirements as a condition  
7 of licensure during the period of active duty."

By HOVERSTEN of Woodbury

H-1332 FILED MARCH 26, 2001

*Adopted*  
3-27-01

(P. 899)

HOUSE FILE 680

H-1333

1 Amend House File 680 as follows:

2 1. Page 2, by inserting after line 7 the  
3 following:

4 "(13) An employee of a public or private  
5 organization whose duties include ongoing, direct  
6 contact with children as part of a program of  
7 providing support or instruction for parents in  
8 parents' homes."

9 2. By renumbering as necessary.

By FOEGE of Linn

H-1333 FILED MARCH 26, 2001

*W/D*

3-27-01 (P. 898)

HOUSE FILE 680

H-1342

1 Amend House File 680 as follows:

2 1. Page 1, line 28, by striking the words "or  
3 head start program" and inserting the following:  
4 "head start program, family development and self-  
5 sufficiency grant program under section 217.12, or  
6 healthy opportunities for parents to experience  
7 success -- healthy families Iowa program under section  
8 135.106".

By HOVERSTEN of Woodbury

FOEGE of Linn

H-1342 FILED MARCH 26, 2001

*Adopted*  
3-27-01

**HOUSE FILE 680  
FISCAL NOTE**

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The estimate for **House File 680** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 680 relates to child and dependent adult abuse reporting. The Bill requires the Department of Public Health to establish an abuse education review panel to review and approve mandatory reporter training curricula for mandatory reporters of child and dependent adult abuse who work in position classifications that do not have a licensing or examining board that approves the training curricula. The proposed legislation amends the list of mandatory reporters of child abuse to include para-educators, holders of coaching authorization, and an operator or employee of a head start program. The Bill directs licensing boards to require the training and documentation of completion of the training as a condition of licensure for persons with professional licenses who are mandatory reporters of abuse. House File 680 specifies that a person who reports or causes to be reported false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

**ASSUMPTIONS**

1. The Department of Public Health would establish a review panel to review and approve mandatory abuse reporter training programs for non-licensed persons. The Department would incur a cost of approximately \$19,000 for a half-time Administrative Assistant 2 position which would be needed to develop and maintain administrative responsibilities.
2. The Department of Public Health would also incur costs for support of the Administrative Assistant and for expenses related to the review panel in the amount of approximately \$10,000.
3. The proposed legislation would require the Board of Educational Examiners to verify completed requirements for child abuse training prior to issuance of an initial license or a renewed license. This requirement is estimated to delay the licensing process by approximately three minutes per application. In order to continue the same level of customer service and maintain the same processing time, the Board would incur a cost of approximately \$15,000 for a half-time Renewal Clerk to help in the licensure process.
4. The Board would add a section to their application forms to inform all applicants of the new child abuse State training requirements. This would require adding one page to each application form. Approximately 25,000 pages would need to be printed at a cost of \$.04 per page, for a total cost of \$1,000.

**CORRECTIONAL IMPACT**

There would be no significant correctional impact as a result of House File 680.

**FISCAL IMPACT**

The FY 2002 General Fund cost of House File 680 would be approximately \$45,000 and annually thereafter.

**SOURCES**

Department of Public Health  
Department of Education  
Criminal and Juvenile Justice Planning Division, Department of Human Rights  
Department of Corrections

(LSB 1432HV, RIT)

FILED MARCH 26, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

5-4/5/01 Amended Passed  
W/53302

5-4/12/01 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 680  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 73)

(As Amended and Passed by the House March 27, 2001)

Passed House <sup>(P.1563)</sup> Date 4/26/01 Passed Senate <sup>(P.1248)</sup> Date 4/23/01  
Vote: Ayes 90 Nays 0 Vote: Ayes 42 Nays 0  
Approved May 7, 2001

**A BILL FOR**

1 An Act relating to child and dependent abuse reporting and civil  
2 remedies pertaining to such reporting.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

INDEX

1 Section 1. Section 135.11, Code 2001, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 26. Establish an abuse education review  
4 panel for review and approval of mandatory reporter training  
5 curricula for those persons who work in a position  
6 classification that under law makes the persons mandatory  
7 reporters of child or dependent adult abuse and the position  
8 classification does not have a mandatory reporter training  
9 curriculum approved by a licensing or examining board.

10 Sec. 2. Section 232.69, subsection 1, paragraph b, Code  
11 2001, is amended to read as follows:

12 b. Any of the following persons who, in the scope of  
13 professional practice or in their employment responsibilities,  
14 examines, attends, counsels, or treats a child and reasonably  
15 believes a child has suffered abuse:

16 (1) A self-employed social worker.

17 ~~(2) A social worker under the jurisdiction of the~~  
18 ~~department of human services.~~

19 ~~(3) A social worker employed by a public or private agency~~  
20 ~~or institution.~~

21 (4) (2) An employee or operator of a public or private  
22 health care facility as defined in section 135C.1.

23 (5) (3) A certified psychologist.

24 (6) (4) A licensed school employee, certified  
25 paraeducator, or holder of a coaching authorization issued  
26 under section 272.31.

27 (7) (5) An employee or operator of a licensed child care  
28 center, or registered child care home, head start program,  
29 family development and self-sufficiency grant program under  
30 section 217.12, or healthy opportunities for parents to  
31 experience success -- healthy families Iowa program under  
32 section 135.106.

33 (8) (6) An employee or operator of a substance abuse  
34 program or facility licensed under chapter 125.

35 (9) (7) An employee of a department of human services

1 institution listed in section 218.1.

2 ~~(10)~~ (8) An employee or operator of a juvenile detention  
3 or juvenile shelter care facility approved under section  
4 232.142.

5 ~~(11)~~ (9) An employee or operator of a foster care facility  
6 licensed or approved under chapter 237.

7 ~~(12)~~ (10) An employee or operator of a mental health  
8 center.

9 ~~(13)~~ (11) A peace officer.

10 ~~(14)~~--A-dental-hygienist-

11 ~~(15)~~ (12) A counselor, or mental health professional.

12 Sec. 3. Section 232.69, subsection 3, Code 2001, is  
13 amended to read as follows:

14 3. a. For the purposes of this subsection, "licensing  
15 board" means an examining board designated in section 147.13,  
16 the board of educational examiners created in section 272.2,  
17 or a licensing board as defined in section 272C.1.

18 b. A person required to make a report under subsection 1,  
19 other than a physician whose professional practice does not  
20 regularly involve providing primary health care to children,  
21 shall complete two hours of training relating to the  
22 identification and reporting of child abuse within six months  
23 of initial employment or self-employment involving the  
24 examination, attending, counseling, or treatment of children  
25 on a regular basis. Within one month of initial employment or  
26 self-employment, the person shall obtain a statement of the  
27 abuse reporting requirements from the person's employer or, if  
28 self-employed, from the department. The person shall complete  
29 at least two hours of additional child abuse identification  
30 and reporting training every five years.

31 c. If the person is an employee of a hospital or similar  
32 institution, or of a public or private institution, agency, or  
33 facility, the employer shall be responsible for providing the  
34 child abuse identification and reporting training. If the  
35 person is self-employed, employed in a licensed or certified

1 profession, or employed by a facility or program that is  
2 subject to licensure, regulation, or approval by a state  
3 agency, the person shall ~~be-responsible-for-obtaining~~ obtain  
4 the child abuse identification and reporting training as  
5 provided in paragraph "d".

6 d. The person may complete the initial or additional  
7 training requirements as part of a any of the following that  
8 are applicable to the person:

9 (1) A continuing education program required under chapter  
10 272C ~~or-may-complete-the-training-as-part-of-a~~ and approved by  
11 the appropriate licensing or examining board.

12 (2) A training program using a curriculum approved by the  
13 abuse education review panel established by the director of  
14 public health pursuant to section 135.11.

15 (3) A training program using such an approved curriculum  
16 offered by the department of human services, the department of  
17 education, an area education agency, a school district, the  
18 Iowa law enforcement academy, or a similar public agency.

19 e. A licensing board with authority over the license of a  
20 person required to make a report under subsection 1 shall  
21 require as a condition of licensure that the person must have  
22 completed the requirements for abuse training under this  
23 subsection. The licensing board shall require the person upon  
24 licensure renewal to accurately document for the licensing  
25 board the person's completion of the training requirements.  
26 For a person who is engaged in active duty in the military  
27 service of this state or the United States, the licensing  
28 board may suspend the abuse training requirements as a  
29 condition of licensure during the period of active duty.

30 f. For persons required to make a report under subsection  
31 1 who are not engaged in a licensed profession that is subject  
32 to the authority of a licensing board but are employed by a  
33 facility or program subject to licensure, registration, or  
34 approval by a state agency, the agency shall require as a  
35 condition of renewal of the facility's or program's licensure,

1 registration, or approval, that such persons employed by the  
2 facility or program are in compliance with the training  
3 requirements of this subsection.

4 g. For peace officers, the elected or appointed official  
5 designated as the head of the agency employing the peace  
6 officer shall ensure compliance with the training requirements  
7 of this subsection.

8 h. For persons required to make a report under subsection  
9 1 who are employees of state departments and political  
10 subdivisions of the state, the department director or the  
11 chief administrator of the political subdivision shall ensure  
12 the persons' compliance with the training requirements of this  
13 subsection.

14 Sec. 4. Section 232.70, Code 2001, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. 1A. The employer or supervisor of a  
17 person who is a mandatory or permissive reporter shall not  
18 apply a policy, work rule, or other requirement that  
19 interferes with the person making a report of child abuse.

20 Sec. 5. Section 232.71B, subsection 14, Code 2001, is  
21 amended to read as follows:

22 14. FALSE REPORTS. If a fourth report is received from  
23 the same person who made three earlier reports which  
24 identified the same child as a victim of child abuse and the  
25 same person responsible for the care of the child as the  
26 alleged abuser and which were determined by the department to  
27 be entirely false or without merit, the department may  
28 determine that the report is again false or without merit due  
29 to the report's spurious or frivolous nature and may in its  
30 discretion terminate its assessment of the report. If the  
31 department receives more than three reports which identify the  
32 same child as a victim of child abuse or the same person as  
33 the alleged abuser of a child, or which were made by the same  
34 person, and the department determined the reports to be  
35 entirely false or without merit, the department shall provide

1 information concerning the reports to the county attorney for  
2 consideration of criminal charges under section 232.75,  
3 subsection 3.

4 Sec. 6. Section 232.75, subsection 2, Code 2001, is  
5 amended to read as follows:

6 2. Any person, official, agency, or institution, required  
7 by section 232.69 to report a suspected case of child abuse  
8 who knowingly fails to do so or who knowingly interferes with  
9 the making of such a report in violation of section 232.70, is  
10 civilly liable for the damages proximately caused by such  
11 failure or interference.

12 Sec. 7. Section 235B.3, subsection 2, paragraphs a, b, and  
13 c, Code 2001, are amended to read as follows:

14 a. A self-employed social worker.

15 ~~b.--A-social-worker-or-an-income-maintenance-worker-under~~  
16 ~~the-jurisdiction-of-the-department-of-human-services-~~

17 ~~c.--A-social-worker-employed-by-a-public-or-private-person~~  
18 ~~including-a-public-or-private-health-care-facility-as-defined~~  
19 ~~in-section-135C-1-~~

20 Sec. 8. Section 235B.3, subsection 3, Code 2001, is  
21 amended to read as follows:

22 3. a. If a staff member or employee is required to report  
23 pursuant to this section, the person shall immediately notify  
24 the person in charge or the person's designated agent, and the  
25 person in charge or the designated agent shall make the report  
26 by the end of the next business day.

27 b. The employer or supervisor of a person who is required  
28 to or may make a report pursuant to this section shall not  
29 apply a policy, work rule, or other requirement that  
30 interferes with the person making a report of dependent adult  
31 abuse or that results in the failure of another person to make  
32 the report.

33 Sec. 9. Section 235B.3, subsection 10, Code 2001, is  
34 amended to read as follows:

35 10. A person required by this section to report a

1 suspected case of dependent adult abuse who knowingly and  
2 willfully fails to do so ~~is-guilty-of~~ commits a simple  
3 misdemeanor. A person required by this section to report a  
4 suspected case of dependent adult abuse who knowingly fails to  
5 do so or who knowingly, in violation of subsection 3,  
6 interferes with the making of such a report or applies a  
7 requirement that results in such a failure, is civilly liable  
8 for the damages proximately caused by the failure.

9 Sec. 10. Section 235B.16, subsection 5, Code 2001, is  
10 amended to read as follows:

11 5. a. For the purposes of this subsection, "licensing  
12 board" means an examining board designated in section 147.13,  
13 the board of educational examiners created in section 272.2,  
14 or a licensing board as defined in section 272C.1.

15 b. A person required to report cases of dependent adult  
16 abuse pursuant to section 235B.3, other than a physician whose  
17 professional practice does not regularly involve providing  
18 primary health care to adults, shall complete two hours of  
19 training relating to the identification and reporting of  
20 dependent adult abuse within six months of initial employment  
21 or self-employment which involves the examination, attending,  
22 counseling, or treatment of adults on a regular basis. Within  
23 one month of initial employment or self-employment, the person  
24 shall obtain a statement of the abuse reporting requirements  
25 from the person's employer or, if self-employed, from the  
26 department. The person shall complete at least two hours of  
27 additional dependent adult abuse identification and reporting  
28 training every five years.

29 c. If the person is an employee of a hospital or similar  
30 public or private facility, the employer shall be responsible  
31 for providing the training. To the extent that the employer  
32 provides approved training on the employer's premises, the  
33 hours of training completed by employees shall be included in  
34 the calculation of nursing or service hours required to be  
35 provided to a patient or resident per day. If the person is

1 self-employed, employed in a licensed or certified profession,  
2 or employed by a facility or program that is subject to  
3 licensure, regulation, or approval by a state agency, the  
4 person shall ~~be responsible for obtaining~~ obtain the training  
5 as provided in paragraph "d".

6 d. The person may complete the initial or additional  
7 training requirements as a part of a any of the following that  
8 are applicable to the person:

9 (1) A continuing education program required under chapter  
10 272C ~~or may complete the training as a part of a~~ and approved  
11 by the appropriate licensing or examining board.

12 (2) A training program using a curriculum approved by the  
13 abuse education review panel established by the director of  
14 public health pursuant to section 135.11.

15 (3) A training program using such an approved curriculum  
16 offered by the department of human services, the department of  
17 elder affairs, the department of inspections and appeals, the  
18 Iowa law enforcement academy, or a similar public agency.

19 e. A person required to complete both child abuse and  
20 dependent adult abuse mandatory reporter training may complete  
21 the training through a program which combines child abuse and  
22 dependent adult abuse curricula and thereby meet the training  
23 requirements of both this subsection and section 232.69  
24 simultaneously. A person who is a mandatory reporter for both  
25 child abuse and dependent adult abuse may satisfy the combined  
26 training requirements of this subsection through completion of  
27 a two-hour training program, if the training program  
28 curriculum ~~and content are approved by the department of human~~  
29 ~~services~~ is approved by the appropriate licensing or examining  
30 board or the abuse education review panel established by the  
31 director of public health pursuant to section 135.11.

32 f. A licensing board with authority over the license of a  
33 person required to report cases of dependent adult abuse  
34 pursuant to section 235B.3 shall require as a condition of  
35 licensure that the person must have completed the requirements

1 for abuse training under this subsection. The licensing board  
2 shall require the person upon licensure renewal to accurately  
3 document for the licensing board the person's completion of  
4 the training requirements.

5 g. For persons required to report cases of dependent adult  
6 abuse pursuant to section 235B.3, who are not engaged in a  
7 licensed profession that is subject to the authority of a  
8 licensing board but are employed by a facility or program  
9 subject to licensure, registration, or approval by a state  
10 agency, the agency shall require as a condition of the renewal  
11 of the facility's or program's licensure, registration, or  
12 approval, that such persons employed by the facility or  
13 program are in compliance with the training requirements of  
14 this subsection.

15 h. For peace officers, the elected or appointed official  
16 designated as the head of the agency employing the peace  
17 officer shall ensure compliance with the training requirements  
18 of this subsection.

19 i. For persons required to report cases of dependent adult  
20 abuse pursuant to section 235B.3 who are employees of state  
21 departments and political subdivisions of the state, the  
22 department director or the chief administrator of the  
23 political subdivision shall ensure the persons' compliance  
24 with the training requirements of this subsection.

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## HOUSE FILE 680

S-3302

1 Amend House File 680, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, lines 21 and 22, by striking the words  
4 "must have completed" and inserting the following:  
5 "is in compliance with".

6 2. Page 3, by striking lines 26 through 29 and  
7 inserting the following: "However, the licensing  
8 board may adopt rules providing for waiver or  
9 suspension of the compliance requirements, if the  
10 waiver or suspension is in the public interest,  
11 applicable to a person who is engaged in active duty  
12 in the military service of this state or of the United  
13 States, to a person for whom compliance with the  
14 training requirements would impose a significant  
15 hardship, or to a person who is practicing a licensed  
16 profession outside this state or is otherwise subject  
17 to circumstances that would preclude the person from  
18 encountering child abuse in this state."

19 3. Page 5, by inserting after line 32 the  
20 following:

21 "Sec. \_\_\_\_ . Section 235B.3, subsection 7,  
22 unnumbered paragraph 1, Code 2001, is amended to read  
23 as follows:

24 The department shall inform the appropriate county  
25 attorneys of any reports of dependent adult abuse.  
26 The department may request information from any person  
27 believed to have knowledge of a case of dependent  
28 adult abuse. The person, including but not limited to  
29 a county attorney, a law enforcement agency, a  
30 multidisciplinary team, ~~or~~ a social services agency in  
31 the state, or any person who is required pursuant to  
32 subsection 2 to report dependent adult abuse, whether  
33 or not the person made the specific dependent adult  
34 abuse report, shall cooperate and assist in the  
35 evaluation upon the request of the department. If the  
36 department's assessment reveals that dependent adult  
37 abuse exists which might constitute a criminal  
38 offense, a report shall be made to the appropriate law  
39 enforcement agency. County attorneys and appropriate  
40 law enforcement agencies shall also take any other  
41 lawful action necessary or advisable for the  
42 protection of the dependent adult."

43 4. Page 7, line 35, by striking the words "must  
44 have completed" and inserting the following: "is in  
45 compliance with".

46 5. Page 8, line 4, by inserting after the word  
47 "requirements." the following: "However, the  
48 licensing board may adopt rules providing for waiver  
49 or suspension of the compliance requirements, if the  
50 waiver or suspension is in the public interest,

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**S-3302**

Page 2

1 applicable to a person who is engaged in active duty  
2 in the military service of this state or of the United  
3 States, to a person for whom compliance with the  
4 training requirements would impose a significant  
5 hardship, or to a person who is practicing a licensed  
6 profession outside this state or is otherwise subject  
7 to circumstances that would preclude the person from  
8 encountering dependent adult abuse in this state."

**By** COMMITTEE ON HUMAN RESOURCES  
JOHN REDWINE, CHAIRPERSON

**S-3302** FILED APRIL 5, 2001

4/23/01

## SENATE AMENDMENT TO HOUSE FILE 680

H-1653

1 Amend House File 680, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, lines 21 and 22, by striking the words  
4 "must have completed" and inserting the following:  
5 "is in compliance with".

6 2. Page 3, by striking lines 26 through 29 and  
7 inserting the following: "However, the licensing  
8 board may adopt rules providing for waiver or  
9 suspension of the compliance requirements, if the  
10 waiver or suspension is in the public interest,  
11 applicable to a person who is engaged in active duty  
12 in the military service of this state or of the United  
13 States, to a person for whom compliance with the  
14 training requirements would impose a significant  
15 hardship, or to a person who is practicing a licensed  
16 profession outside this state or is otherwise subject  
17 to circumstances that would preclude the person from  
18 encountering child abuse in this state."

19 3. Page 5, by inserting after line 32 the  
20 following:

21 "Sec. \_\_\_\_ . Section 235B.3, subsection 7,  
22 unnumbered paragraph 1, Code 2001, is amended to read  
23 as follows:

24 The department shall inform the appropriate county  
25 attorneys of any reports of dependent adult abuse.  
26 The department may request information from any person  
27 believed to have knowledge of a case of dependent  
28 adult abuse. The person, including but not limited to  
29 a county attorney, a law enforcement agency, a  
30 multidisciplinary team, ~~or~~ a social services agency in  
31 the state, or any person who is required pursuant to  
32 subsection 2 to report dependent adult abuse, whether  
33 or not the person made the specific dependent adult  
34 abuse report, shall cooperate and assist in the  
35 evaluation upon the request of the department. If the  
36 department's assessment reveals that dependent adult  
37 abuse exists which might constitute a criminal  
38 offense, a report shall be made to the appropriate law  
39 enforcement agency. County attorneys and appropriate  
40 law enforcement agencies shall also take any other  
41 lawful action necessary or advisable for the  
42 protection of the dependent adult."

43 4. Page 7, line 35, by striking the words "must  
44 have completed" and inserting the following: "is in  
45 compliance with".

46 5. Page 8, line 4, by inserting after the word  
47 "requirements." the following: "However, the  
48 licensing board may adopt rules providing for waiver  
49 or suspension of the compliance requirements, if the  
50 waiver or suspension is in the public interest,

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-1-

**H-1653**

Page 2

1 applicable to a person who is engaged in active duty  
2 in the military service of this state or of the United  
3 States, to a person for whom compliance with the  
4 training requirements would impose a significant  
5 hardship, or to a person who is practicing a licensed  
6 profession outside this state or is otherwise subject  
7 to circumstances that would preclude the person from  
8 encountering dependent adult abuse in this state."

RECEIVED FROM THE SENATE

**H-1653** FILED APRIL 24, 2001*House Concurred**4/26/01**(p. 1562)*

HOUSE FILE 680

AN ACT  
RELATING TO CHILD AND DEPENDENT ABUSE REPORTING AND CIVIL  
REMEDIES PERTAINING TO SUCH REPORTING.

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

Section 1. Section 135.11, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 26. Establish an abuse education review panel for review and approval of mandatory reporter training curricula for those persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.

Sec. 2. Section 232.69, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. Any of the following persons who, in the scope of professional practice or in their employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes a child has suffered abuse:

(1) A self-employed social worker.

~~(2) --A social worker under the jurisdiction of the department of human services.~~

~~(3) --A social worker employed by a public or private agency or institution.~~

(4) (2) An employee or operator of a public or private health care facility as defined in section 135C.1.

(5) (3) A certified psychologist.

~~(6) (4) A licensed school employee, certified paraeducator, or holder of a coaching authorization issued under section 272.31.~~

~~(7) (5) An employee or operator of a licensed child care center, or registered child care home, head start program, family development and self-sufficiency grant program under section 217.12, or healthy opportunities for parents to experience success -- healthy families Iowa program under section 135.106.~~

~~(8) (6) An employee or operator of a substance abuse program or facility licensed under chapter 125.~~

~~(9) (7) An employee of a department of human services institution listed in section 218.1.~~

~~(10) (8) An employee or operator of a juvenile detention or juvenile shelter care facility approved under section 232.142.~~

~~(11) (9) An employee or operator of a foster care facility licensed or approved under chapter 237.~~

~~(12) (10) An employee or operator of a mental health center.~~

~~(13) (11) A peace officer.~~

~~(14) --A dental hygienist.~~

~~(15) (12) A counselor, or mental health professional.~~

Sec. 3. Section 232.69, subsection 3, Code 2001, is amended to read as follows:

3. a. For the purposes of this subsection, "licensing board" means an examining board designated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.

b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete two hours of training relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving the

examination, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional child abuse identification and reporting training every five years.

c. If the person is an employee of a hospital or similar institution, or of a public or private institution, agency, or facility, the employer shall be responsible for providing the child abuse identification and reporting training. If the person is self-employed, employed in a licensed or certified profession, or employed by a facility or program that is subject to licensure, regulation, or approval by a state agency, the person shall ~~be responsible for obtaining~~ obtain the child abuse identification and reporting training as provided in paragraph "d".

d. The person may complete the initial or additional training requirements as part of a any of the following that are applicable to the person:

(1) A continuing education program required under chapter 272C ~~or may complete the training as part of a~~ and approved by the appropriate licensing or examining board.

(2) A training program using a curriculum approved by the abuse education review panel established by the director of public health pursuant to section 135.11.

(3) A training program using such an approved curriculum offered by the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.

e. A licensing board with authority over the license of a person required to make a report under subsection 1 shall require as a condition of licensure that the person is in compliance with the requirements for abuse training under this subsection. The licensing board shall require the person upon

licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering child abuse in this state.

f. For persons required to make a report under subsection 1 who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of renewal of the facility's or program's licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.

g. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

h. For persons required to make a report under subsection 1 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.

Sec. 4. Section 232.70, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The employer or supervisor of a person who is a mandatory or permissive reporter shall not

apply a policy, work rule, or other requirement that interferes with the person making a report of child abuse.

Sec. 5. Section 232.71B, subsection 14, Code 2001, is amended to read as follows:

14. FALSE REPORTS. If a fourth report is received from the same person who made three earlier reports which identified the same child as a victim of child abuse and the same person responsible for the care of the child as the alleged abuser and which were determined by the department to be entirely false or without merit, the department may determine that the report is again false or without merit due to the report's spurious or frivolous nature and may in its discretion terminate its assessment of the report. If the department receives more than three reports which identify the same child as a victim of child abuse or the same person as the alleged abuser of a child, or which were made by the same person, and the department determined the reports to be entirely false or without merit, the department shall provide information concerning the reports to the county attorney for consideration of criminal charges under section 232.75, subsection 3.

Sec. 6. Section 232.75, subsection 2, Code 2001, is amended to read as follows:

2. Any person, official, agency, or institution, required by section 232.69 to report a suspected case of child abuse who knowingly fails to do so or who knowingly interferes with the making of such a report in violation of section 232.70, is civilly liable for the damages proximately caused by such failure or interference.

Sec. 7. Section 235B.3, subsection 2, paragraphs a, b, and c, Code 2001, are amended to read as follows:

a. A self-employed social worker.

~~b. A social worker or an income maintenance worker under the jurisdiction of the department of human services.~~

~~c. A social worker employed by a public or private person including a public or private health care facility as defined in section 135C.11.~~

Sec. 8. Section 235B.3, subsection 3, Code 2001, is amended to read as follows:

3. a. If a staff member or employee is required to report pursuant to this section, the person shall immediately notify the person in charge or the person's designated agent, and the person in charge or the designated agent shall make the report by the end of the next business day.

b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

Sec. 9. Section 235B.3, subsection 7, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The department shall inform the appropriate county attorneys of any reports of dependent adult abuse. The department may request information from any person believed to have knowledge of a case of dependent adult abuse. The person, including but not limited to a county attorney, a law enforcement agency, a multidisciplinary team, or a social services agency in the state, or any person who is required pursuant to subsection 2 to report dependent adult abuse, whether or not the person made the specific dependent adult abuse report, shall cooperate and assist in the evaluation upon the request of the department. If the department's assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agency. 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. 10. Section 235B.3, subsection 10, Code 2001, is amended to read as follows:

10. A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so ~~is-guilty-of~~ commits a simple misdemeanor. A person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3, interferes with the making of such a report or applies a requirement that results in such a failure, is civilly liable for the damages proximately caused by the failure.

Sec. 11. Section 235B.16, subsection 5, Code 2001, is amended to read as follows:

5. a. For the purposes of this subsection, "licensing board" means an examining board designated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.

b. A person required to report cases of dependent adult abuse pursuant to section 235B.3, other than a physician whose professional practice does not regularly involve providing primary health care to adults, shall complete two hours of training relating to the identification and reporting of dependent adult abuse within six months of initial employment or self-employment which involves the examination, attending, counseling, or treatment of adults on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional dependent adult abuse identification and reporting training every five years.

c. If the person is an employee of a hospital or similar public or private facility, the employer shall be responsible for providing the training. To the extent that the employer provides approved training on the employer's premises, the

hours of training completed by employees shall be included in the calculation of nursing or service hours required to be provided to a patient or resident per day. If the person is self-employed, employed in a licensed or certified profession, or employed by a facility or program that is subject to licensure, regulation, or approval by a state agency, the person shall ~~be-responsible-for-obtaining~~ obtain the training as provided in paragraph "d".

d. The person may complete the initial or additional training requirements as a part of a any of the following that are applicable to the person:

(1) A continuing education program required under chapter 272C or may complete the training as a part of a and approved by the appropriate licensing or examining board.

(2) A training program using a curriculum approved by the abuse education review panel established by the director of public health pursuant to section 135.11.

(3) A training program using such an approved curriculum offered by the department of human services, the department of elder affairs, the department of inspections and appeals, the Iowa law enforcement academy, or a similar public agency.

e. A person required to complete both child abuse and dependent adult abuse mandatory reporter training may complete the training through a program which combines child abuse and dependent adult abuse curricula and thereby meet the training requirements of both this subsection and section 232.69 simultaneously. A person who is a mandatory reporter for both child abuse and dependent adult abuse may satisfy the combined training requirements of this subsection through completion of a two-hour training program, if the training program curriculum and content are approved by the department of human services is approved by the appropriate licensing or examining board or the abuse education review panel established by the director of public health pursuant to section 135.11.

f. A licensing board with authority over the license of a person required to report cases of dependent adult abuse pursuant to section 235B.3 shall require as a condition of licensure that the person is in compliance with the requirements for abuse training under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering dependent adult abuse in this state.

g. For persons required to report cases of dependent adult abuse pursuant to section 235B.3, who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of the renewal of the facility's or program's licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.

h. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

i. For persons required to report cases of dependent adult abuse pursuant to section 235B.3 who are employees of state departments and political subdivisions of the state, the

department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 680, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved May 7, 2001

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THOMAS J. VILSACK  
Governor