

MAR 3 2006
Place On Calendar

HOUSE FILE 2638
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2436)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to dependent adult abuse registry and record
2 check requirements and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2638

1 Section 1. Section 235B.3, subsection 2, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. An employee or operator of a substance
4 abuse program or facility licensed under chapter 125.

5 Sec. 2. Section 235B.6, subsection 2, paragraph c, Code
6 Supplement 2005, is amended by adding the following new
7 subparagraph:

8 NEW SUBPARAGRAPH. (9) An employee or agent of the
9 department authorized to conduct record checks pursuant to
10 section 237A.5.

11 EXPLANATION

12 This bill relates to dependent adult abuse registry and
13 record check requirements.

14 Code section 235B.3 is amended to include certain employees
15 or operators of a licensed substance abuse program or facility
16 in the list of mandatory reporters of dependent adult abuse.
17 In order for the requirement for reporting of suspected abuse
18 to the department of human services to be applicable, the
19 employee or operator must, in the course of employment,
20 examine, attend, counsel, or treat a dependent adult and
21 reasonably believe the dependent adult has suffered abuse.
22 Under current law, a mandatory reporter of dependent adult
23 abuse who knowingly and willfully fails to report the abuse
24 commits a simple misdemeanor and is civilly liable for the
25 damages proximately caused by the failure.

26 Code section 235B.6 is amended to allow an employee or
27 agent of the department of human services authorized to
28 conduct record checks for child care providers access to the
29 dependent adult abuse registry.

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HOUSE FILE 2638

H-8098

1 Amend House File 2638 as follows:

2 1. Page 1, by inserting after line 4 the
3 following:

4 "Sec. ____ Section 235B.6, subsection 1, Code
5 Supplement 2005, is amended to read as follows:

6 1. Notwithstanding chapter 22, the confidentiality
7 of all dependent adult abuse information shall be
8 maintained, except as specifically provided by
9 subsections 2 and 3. The department shall not reveal
10 the identity of the reporter of dependent adult abuse
11 unless otherwise ordered by the court or an
12 administrative law judge."

13 2. By renumbering as necessary.

By SMITH of Marshall

H-8098 FILED MARCH 6, 2006