

Senate Study Bill 1090

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

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

A BILL FOR

1 An Act relating to dependent adult abuse.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1864SC 82
4 rh/gg/14

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1 1 Section 1. Section 235B.2, subsection 5, paragraph b, Code
1 2 2007, is amended by adding the following new subparagraphs:
1 3 NEW SUBPARAGRAPH. (4) Circumstances in which the
1 4 dependent adult's caretaker makes an error in the provision of
1 5 therapeutic services to a dependent adult that does not result
1 6 in injury or harm to the dependent adult which reasonably
1 7 requires medical or mental health care.
1 8 NEW SUBPARAGRAPH. (5) Circumstances in which the
1 9 dependent adult's caretaker makes an error in the provision of
1 10 therapeutic services to a dependent adult that results in
1 11 injury or harm to the dependent adult which reasonably
1 12 requires the care of a physician, subject to the following
1 13 conditions:
1 14 (a) The care is provided in a timely fashion as dictated
1 15 by the condition of the dependent adult.
1 16 (b) The error is not part of a pattern of errors by the
1 17 caretaker.
1 18 (c) If the error takes place in a health care facility as
1 19 defined in section 135C.1, the error is immediately reported
1 20 as required by section 235B.3 and recorded within the health
1 21 care facility.
1 22 (d) If the error takes place in a health care facility,
1 23 the health care facility takes corrective action and
1 24 identifies and implements measures designed to reduce the risk
1 25 of further occurrence of the error and similar errors.
1 26 (e) If the error takes place in a health care facility,
1 27 the actions required pursuant to paragraphs "c" and "d" are
1 28 sufficiently documented for review and evaluation by the
1 29 health care facility and the appropriate licensing authority.

EXPLANATION

1 31 This bill defines circumstances that are not considered
1 32 dependent adult abuse for purposes of the department of human
1 33 services' dependent adult abuse services program pursuant to
1 34 Code chapter 235B. This program authorizes the department of
1 35 human services to accept reports of suspected dependent adult
2 1 abuse, evaluate reports, complete an assessment of needed
2 2 services, make appropriate referrals for services, and
2 3 maintain a central registry for dependent adult abuse
2 4 information.
2 5 The bill provides that circumstances in which the dependent
2 6 adult's caretaker makes an error in the provision of
2 7 therapeutic services to a dependent adult that does not result
2 8 in injury or harm to the dependent adult which reasonably
2 9 requires medical or mental health care do not constitute
2 10 dependent adult abuse.
2 11 The bill further provides that circumstances in which the
2 12 dependent adult's caretaker makes an error in the provision of
2 13 therapeutic services to a dependent adult that results in
2 14 injury or harm to the dependent adult which reasonably
2 15 requires the care of a physician do not constitute dependent
2 16 adult abuse where the care after the error is provided in a
2 17 timely fashion as dictated by the condition of the dependent
2 18 adult, the error is not part of a pattern of errors by the
2 19 caretaker, and, if the error takes place in a health care

2 20 facility as defined in Code section 135C.1, the error is
2 21 immediately reported as required by Code section 235B.3,
2 22 recorded within the health care facility, the health care
2 23 facility takes corrective action and identifies and implements
2 24 measures designed to reduce the risk of further occurrence of
2 25 the error and similar errors, and all such actions are
2 26 sufficiently documented for review and evaluation by the
2 27 health care facility and the appropriate licensing authority.
2 28 LSB 1864SC 82
2 29 rh:nh/gg/14