

**House Study Bill 146 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

**A BILL FOR**

1 An Act including personal degradation as a form of dependent  
2 adult abuse by caretakers in facilities and programs  
3 regulated by the department of inspections and appeals.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235E.1, subsection 5, paragraph a, Code  
2 2017, is amended by adding the following new subparagraph:  
3 NEW SUBPARAGRAPH. (3) Personal degradation of a dependent  
4 adult. "*Personal degradation*" means a willful act or statement  
5 by a caretaker intended to shame, degrade, humiliate, or  
6 otherwise harm the personal dignity of a dependent adult, or  
7 where the caretaker knew or reasonably should have known the  
8 act or statement would cause shame, degradation, humiliation,  
9 or harm to the personal dignity of a reasonable person.  
10 "*Personal degradation*" includes the taking, transmission,  
11 or display of an electronic image of a dependent adult by a  
12 caretaker, where the caretaker's actions constitute a willful  
13 act or statement intended to shame, degrade, humiliate, or  
14 otherwise harm the personal dignity of the dependent adult, or  
15 where the caretaker knew or reasonably should have known the  
16 act would cause shame, degradation, humiliation, or harm to the  
17 personal dignity of a reasonable person. "*Personal degradation*"  
18 does not include the taking, transmission, or display of  
19 an electronic image of a dependent adult for the purpose  
20 of reporting dependent adult abuse to law enforcement, the  
21 department, or other regulatory agency that oversees caretakers  
22 or enforces abuse or neglect provisions, or for the purpose of  
23 treatment or diagnosis or as part of an ongoing investigation.  
24 "*Personal degradation*" also does not include the taking,  
25 transmission, or display of an electronic image by a caretaker  
26 in accordance with the facility's or program's confidentiality  
27 policy and release of information or consent policies.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 This bill includes personal degradation as a form of  
32 dependent adult abuse by caretakers in facilities and  
33 programs regulated by the department of inspections and  
34 appeals. The bill provides that personal degradation is a  
35 willful act or statement by a caretaker in a facility or

1 program that is intended to shame, degrade, humiliate, or  
2 otherwise harm the dependent adult's personal dignity; or a  
3 willful act or statement by a caretaker where the caretaker  
4 reasonably should have known the act or statement would  
5 shame, degrade, humiliate, or otherwise harm the dependent  
6 adult's personal dignity. Personal degradation includes the  
7 taking, transmitting, or displaying of an electronic image  
8 of a dependent adult by a caretaker, where the caretaker  
9 intended to cause or should have known such act would cause  
10 shame, degradation, or humiliation, or otherwise harm the  
11 personal dignity of the dependent adult. The bill creates an  
12 exception for electronic images that are taken, transmitted, or  
13 displayed for the purposes of treatment, diagnosis, or ongoing  
14 investigation. The bill provides personal degradation does  
15 not occur when a caretaker takes, transmits, or displays an  
16 electronic image in accordance with the facility's or program's  
17 release of information or consent policies.