

# House File 2390

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 521)

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

## A BILL FOR

1 An Act making technical changes to programs under the purview of  
2 the department of human services, providing an effective date,  
3 and providing for retroactive applicability.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 1 Section 1. Section 235B.3, subsections 2 and 3, Code  
1 2 Supplement 2003, are amended to read as follows:  
1 3 2. All of the following persons shall report suspected  
1 4 dependent adult abuse to the department:  
1 5 ~~a. A social worker.~~  
1 6 ~~b. A certified psychologist.~~  
1 7 ~~c. a. A person who, in the course of employment, examines,~~  
1 8 ~~attends, counsels, or treats a dependent adult and reasonably~~  
1 9 ~~believes the dependent adult has suffered abuse, including:~~  
1 10 (1) A member of the staff of a community mental health  
1 11 center, a member of the staff of a hospital, a member of the  
1 12 staff or employee of a public or private health care facility  
1 13 as defined in section 135C.1.  
1 14 (2) A peace officer.  
1 15 (3) An in-home homemaker=home health aide.  
1 16 (4) An individual employed as an outreach person.  
1 17 (5) A health practitioner, as defined in section 232.68.  
1 18 (6) A member of the staff or an employee of a supported  
1 19 community living service, sheltered workshop, or work activity  
1 20 center.  
1 21 ~~(7) A social worker.~~  
1 22 ~~(8) A certified psychologist.~~  
1 23 ~~d. b. A person who performs inspections of elder group~~  
1 24 ~~homes for the department of inspections and appeals and a~~  
1 25 ~~resident advocate committee member assigned to an elder group~~  
1 26 ~~home pursuant to chapter 231B.~~  
1 27 3. ~~a. If a staff member or employee is required to report~~  
~~1 28 pursuant to this section, the person shall immediately notify~~  
~~1 29 the person in charge or the person's designated agent, and the~~  
~~1 30 person in charge or the designated agent shall make the report~~  
~~1 31 by the end of the next business day.~~  
1 32 ~~b. The employer or supervisor of a person who is required~~  
1 33 ~~to or may make a report pursuant to this section shall not~~  
1 34 ~~apply a policy, work rule, or other requirement that~~  
1 35 ~~interferes with the person making a report of dependent adult~~  
2 1 ~~abuse or that results in the failure of another person to make~~  
2 2 ~~the report.~~  
2 3 Sec. 2. Section 252B.9, Code 2003, is amended by adding  
2 4 the following new subsection:  
2 5 NEW SUBSECTION. 4. Nothing in this chapter, chapter 252A,  
2 6 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or  
2 7 any other comparable chapter or law shall preclude the unit  
2 8 from exchanging any information, notice, document, or  
2 9 certification with any government or private entity, if the  
2 10 exchange is not otherwise prohibited by law, through mutually  
2 11 agreed upon electronic data transfer rather than through other  
2 12 means.  
2 13 Sec. 3. Section 252H.8, subsection 4, paragraph b, Code  
2 14 2003, is amended to read as follows:  
2 15 b. The return of service, acceptance of service, or signed  
2 16 statement by the parent requesting review and adjustment or  
2 17 requesting modification, waiving service of the notice.  
2 18 Sec. 4. Section 252H.15, subsection 2, Code 2003, is  
2 19 amended to read as follows:  
2 20 2. Notice shall be served upon each parent in accordance

2 21 with the rules of civil procedure, except that a parent  
2 22 requesting a review pursuant to section 252H.13 ~~may shall~~  
2 23 waive the right to personal service of the notice in writing  
2 24 and accept service by regular mail. If the service by regular  
2 25 mail does not occur within ninety days of the written waiver  
2 26 of personal service, personal service of the notice is  
2 27 required unless a new waiver of personal service is obtained.

2 28 Sec. 5. Section 252H.19, subsection 2, unnumbered  
2 29 paragraph 1, Code 2003, is amended to read as follows:

2 30 The notice shall be served upon each parent in accordance  
2 31 with the rules of civil procedure, ~~except that a parent~~  
2 32 ~~requesting modification shall, at the time of the request,~~

~~2 33 waive the right to personal service of the notice in writing~~  
~~2 34 and accept service by regular mail.~~ The unit shall adopt

2 35 rules pursuant to chapter 17A to ensure that all of the  
3 1 following are included in the notice:

3 2 Sec. 6. Section 252J.5, subsection 3, Code 2003, is  
3 3 amended to read as follows:

3 4 3. Following issuance of a certificate of noncompliance,  
3 5 if the obligor enters into a written agreement with the unit,  
3 6 the unit shall issue a withdrawal of the certificate of  
3 7 noncompliance ~~to any appropriate licensing authority~~ and shall  
3 8 forward a copy of the withdrawal by regular mail to the  
3 9 obligor ~~and any appropriate licensing authority.~~

3 10 Sec. 7. Section 252J.6, subsection 2, paragraph a, Code  
3 11 2003, is amended to read as follows:

3 12 a. That ~~a copy of~~ the certificate of noncompliance or  
3 13 withdrawal of the certificate of noncompliance has been  
3 14 provided to the licensing authorities named in the notice  
3 15 provided pursuant to section 252J.3.

3 16 Sec. 8. Section 252J.7, subsection 1, Code 2003, is  
3 17 amended to read as follows:

3 18 1. If the individual fails to respond to the notice of  
3 19 potential license sanction provided pursuant to section 252J.3  
3 20 or the unit issues a written decision under section 252J.6

3 21 which states that the individual is not in compliance, the  
3 22 unit shall ~~certify, in writing, issue a certificate of~~

~~3 23 noncompliance to any appropriate licensing authority that the~~

~~3 24 support obligor is not in compliance with a support order or~~

~~3 25 the individual is not in compliance with a subpoena or warrant~~

~~3 26 and shall include a copy of the certificate of noncompliance.~~

3 27 Sec. 9. ADOPTION SUBSIDY PROGRAM == ACTIVITY == INTERIM  
3 28 STUDY COMMITTEE.

3 29 1. Unless the general assembly enacts legislation to allow  
3 30 changes in the adoption subsidy program during the 2004  
3 31 session of the general assembly, effective January 1, 2004,  
3 32 and ending June 30, 2005, the department of human services  
3 33 shall not adopt rules or implement policies that reduce the  
3 34 overall subsidy outlays or other financial assistance provided  
3 35 to a recipient of an adoption subsidy, but shall continue to  
4 1 apply the adoption subsidy program rules and policies in  
4 2 effect on December 31, 2003.

4 3 2. The legislative council is requested to establish an  
4 4 interim study committee to review the adoption subsidy  
4 5 program, which includes a review of current practices  
4 6 regarding the determination of subsidy levels, disparities in  
4 7 subsidy levels among regions of the state, program costs and  
4 8 benefits, the fiscal and programmatic impact of projected  
4 9 future program growth, and quantification of savings in other  
4 10 programs and services resulting from the utilization of the  
4 11 adoption subsidy program. The committee shall seek input from  
4 12 the department of human services, adoptive parents and others  
4 13 with experience or expertise with the adoption subsidy program  
4 14 and related services and supports. The interim committee  
4 15 shall submit a report of its findings and recommendations to  
4 16 the general assembly no later than December 1, 2004.

4 17 Sec. 10. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. The  
4 18 section of this Act relating to application of adoption  
4 19 subsidy program rules and policies effective on December 31,  
4 20 2003, and a legislative study, being deemed of immediate  
4 21 importance, takes effect upon enactment and is retroactively  
4 22 applicable to January 1, 2004.

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