HOUSE FILE 569
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 112)

(As Amended and Passed by the House April 9, 2019)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to personal degradation of a dependent adult as a form of dependent adult abuse by a caretaker regulated by the department of human services, and making penalties applicable.

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

Section 1. Section 235B.2, subsection 5, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) (a) Personal degradation of a dependent adult by a caretaker.

* [(b) (i) "*Personal degradation*" means a willful act or statement] by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. "*Personal degradation*" includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker's actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person.

* [(ii) "*Personal degradation*" does not include any of the following:

(A) The taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or any other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation.

(B) The taking, transmission, or display of an electronic image by a caretaker who takes, transmits, or displays the electronic image in accordance with the confidentiality policy and release of information or consent policies of a contractor, employer, or facility or program not covered under section 235E.1, subsection 5, paragraph "*a*", subparagraph (3).

(C) A statement by a caretaker who is the spouse of a dependent adult that is not intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the

dependent adult spouse.]

Sec. 2. Section 235B.3, subsection 1, paragraph c, Code 2019, is amended to read as follows:

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph *"a"*, subparagraph (4), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. However, a subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph *"a"*, subparagraph (4), that occurs within the five-year period and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur shall not be considered minor, isolated, and unlikely to reoccur.