

FREQUENTLY ASKED QUESTIONS
DEPENDENT ADULT ABUSE RULES
481 IOWA ADMIN. CODE CH. 52

Q1: What is the difference between Iowa Code Chapter 235E and DIA Chapter 52?

RESPONSE: Chapter 52 contains the administrative rules that implement Iowa Code chapter 235E.

Q2: Does the definition of dependent adult capture ALL elderly residing in SNF, NF, RCF, AL, etc.?

RESPONSE: No, the definition does not include all elderly residing in facilities and programs, only those that meet the definition of a dependent adult.

Q3: Does a person have to legally reveal that they are being investigated for abuse during the application/interview process?

RESPONSE: Iowa Code section 235E.2(10) states that an alleged dependent adult abuser who is terminated by the facility or program or resigns as a result of the investigation by the facility or program, shall disclose such termination or investigation to any prospective facility or program employer.

Q4: Do DME medical providers need to fulfill the requirement to take mandatory reporter training?

RESPONSE: The definition of “staff member” and subrule 52.2(1)(a) describe those that are mandatory reporters and, who in turn, must receive the training. Facilities and programs should evaluate their staff members and contact each has with residents to determine if they meet the definition.

Q5: Are facilities required to have a copy of outside vendor or independent contractor dependent adult abuse training:

RESPONSE: The definition of “staff member” and subrule 52.2(1) lettered paragraph “a” describe those that are mandatory reporters and, who in turn, must receive the training. The facility must have proof of mandatory reporter training for those who meet the definition of “staff member” and subrule 52.2(1)(a). The facility’s or program’s documentation can be a letter from the vendor or contractor with a list of its personnel who have received the required training. Or, the facility or program can maintain a copy of a certificate of completion for each individual completing the required training.

Q6: Should the Operating Board or resident advocates receive mandatory reporter training as well?

RESPONSE: Those who meet the definition of “staff member” and subrule 52.2(1)(a) must receive the training. Facilities and programs should evaluate their staff members and the contact each has with residents to determine if they meet the definition.

Q7: Should an independent licensed beautician/barber receive mandatory reporter training?

RESPONSE: Those who meet the definition of “staff member” and subrule 52.2(1)(a) must receive the training. Facilities and programs should evaluate their staff members and the contact each has with residents to determine if they meet the definition.

Q8: Does Chapter 52 expand the reach of mandatory reporting requirement to persons who perform treatment or services without pay?

RESPONSE: Whether a volunteer is a mandatory reporter depends on what the volunteer is doing at the facility or program. The rules provide that a part-time volunteer who is in the facility or program for a very limited purpose, is not in the facility or program on a regular basis, or does not provide any treatment or services to the residents of the facility or program is not a “staff member” and therefore not required to report dependent adult abuse. In addition, individuals with no contact or de minimus contact with the residents in a facility or program are not “staff members” for purposes of rule 52.2, and therefore not required to report dependent adult abuse.

Q9: Is a facility’s or program’s responsibility to provide training limited to those persons who are paid for their services?

RESPONSE: While a volunteer may be required to attend dependent adult abuse training, it is not the responsibility of the facility or program to provide it, given the provisions of Iowa Code section 235B.16.

Q10: Iowa Code section 235E.2(3)(a) states “...shall notify the department within 24 hours” and Iowa Administrative rule 52.2(2)(a) states to “report the abuse to the department within 24 hours or the next business day”. Which is correct?

RESPONSE: The rule applies.

Q11: Does this mean the 5 days for the full report is no longer the rule?

RESPONSE: The 5 day requirement is a federal requirement that is not affected by the rules.

Q12: What if the facility, through its investigation, did not feel it rose to the level of abuse, so didn’t report it. Can the department turn around and cite this area?

RESPONSE: If the facility or program suspects abuse, the report needs to be made to the department within 24 hours or the next business day. The department will determine whether to investigate and may take into account the results of the facility/program investigation in determining whether to investigate.

Q13: Do we have to give staff accessibility to the internet? We have a policy of not allowing staff access to the internet without permission of supervisors. Would this be considered an employee policy interfering with reporting?

RESPONSE: Reports of suspected dependent adult abuse can be made in the following ways:

- a. Call the toll free complaint intake line: 877-686-0027
- b. Fax the report to 515-281-7106
- c. Via the internet using the online form at hfd_complaint@dia.iowa.gov
- d. Submit by regular mail to:

Iowa Department of Inspections and Appeals
Health Facilities Division/Complaint Unit

Lucas State Office Building
321 East 12th Street
Des Moines, IA 50319-0083

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