

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

The Human Services Department hereby amends Chapter 176, “Dependent Adult Abuse,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

The purpose of these proposed amendments is to streamline required maintenance of administrative rules related to dependent adult abuse by removing form numbers from the administrative rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 16, 2019, as **ARC 4239C**.

The Human Services Department received no comments during the public comment period.

These amendments are identical to those published in the Iowa Administrative Bulletin under Notice of Intended Action.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on March 13, 2019.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 1, 2019.

The following rule-making action is adopted:

ITEM 1. Amend subrule 176.4(2) as follows:

176.4(2) The reporter may use a form prescribed by the department's Form 470-2441, Suspected Dependent Adult Abuse Report, department or may use a form developed by the reporter that meets the requirements of Iowa Code section 235B.3.

ITEM 2. Amend subrule 176.6(5) as follows:

176.6(5) Completion of evaluation or assessment report. Upon completion of its evaluation or assessment, the department shall complete a report that describes its findings and includes all actions taken or contemplated.

- a. No change.
- b. Upon completion of an evaluation, the department shall enter its report into the ~~system on dependent adults (SODA)~~ dependent adult reporting and evaluation system (DARES).
- c. Upon completion of an assessment when the alleged abuse is the result of the acts or omissions of the dependent adult, the department shall place the report in the case file of the dependent adult and ~~on SODA~~ enter information into DARES.

ITEM 3. Amend subrule 176.6(14), introductory paragraph, as follows:

176.6(14) Assessment of dependency and risk. After the first visit to a dependent adult who is alleged to be abused, the department shall complete an assessment of the adult using ~~Form 470-3246, Dependent Adult Assessment Tool~~ a form prescribed by the department. The department shall assess:

ITEM 4. Amend subrule 176.6(15) as follows:

176.6(15) Follow-up for at-risk adults. When it has not been possible or necessary to obtain a court order for services to an at-risk adult, the department shall attempt to ~~persuade~~ empower the at-risk adult to agree to accept services and to participate in preparing a safety plan. If the adult refuses to sign ~~Form 470-4835, Safety Plan for At Risk Adult~~, a safety plan for an at-risk adult and to accept recommended services, the department shall provide periodic visits.

- a. *Purpose.* The purpose of the visits shall be to:
 - (1) and (2) No change.
 - (3) ~~Persuade~~ Empower the adult to accept recommended services and to ~~sign Form 470-4835, Safety Plan for At Risk Adult~~ engage in safety planning.

b. to d. No change.

ITEM 5. Amend subrule 176.10(10) as follows:

176.10(10) Mandatory reporter notification. The department shall attempt to notify orally the mandatory reporter who made the report in a dependent adult abuse case of the results of the evaluation or assessment and of the confidentiality provisions of Iowa Code sections 235B.6 and 235B.12. The department shall subsequently transmit a written notice on ~~Form 470-2444, Adult Protective Notification,~~ adult protective notification on a form prescribed by the department to ~~the~~ each mandatory reporter who made the report. The form shall include information regarding the results of the evaluation or assessment and confidentiality provisions. A copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in Iowa Code section 235B.8.

ITEM 6. Amend subrule 176.15(2), introductory paragraph, as follows:

176.15(2) Execution of team agreement. When the team is established, the service area manager or designee and all team members shall execute an agreement on ~~Form 470-2328, Dependent Adult Abuse Multidisciplinary Team Agreement~~ a form prescribed by the department.
~~This~~ The multidisciplinary team agreement specifies shall specify:



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Catt Stack	Telephone Number 515-281-5392	Email Address cstack@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

The change to administrative rules are designed to remove form numbers from administrative rules.

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

The dependent adult abuse administrative rules are authorized by Iowa Code Chapter 235B.

3. Describe who this rulemaking will positively or adversely impact.

IDHS will not have to alter administrative rules if form numbers or names change. Future impact would be positive for IDHS and stakeholders via reduced rule changes and reduced confusion if form numbers or form names change.

4. Does this rule contain a waiver provision? If not, why?

No. Not applicable.

5. What are the likely areas of public comment?

6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

No such impact is anticipated.



Administrative Rule Fiscal Impact Statement

Date: October 22, 2018

Agency: Human Services

IAC citation: 441 IAC 441-176.4, 441-176.6(5)(b)(c), 441-176.6(15), and 441-176.15(3), 441-176.10(10), 441-176.15(2)

Agency contact: Catt Stack

Summary of the rule:

The dependent adult abuse administrative rules authorized by Iowa Code Chapter 235B proposes changes to administrative rules designed to remove form numbers from administrative rules.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

There is no fiscal impact to the state. IDHS will not have to alter administrative rules if form numbers or names change.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

None anticipated.

Describe how estimates were derived:

There is no fiscal impact to the state.

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2019)</u>	<u>Year 2 (FY 2020)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	<u>No Impact</u>	<u>No Impact</u>

This rule is required by state law or federal mandate.
Please identify the state or federal law:
 Identify provided change fiscal persons:

Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:
 There is no fiscal impact.

Fiscal impact to persons affected by the rule:

Future impact would be positive for IDHS and stakeholders via reduced rule changes and reduced confusion if form numbers or form names change.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

None anticipated.

Agency representative preparing estimate: Rob Beran

Telephone number: 581-6188