

Mandatory Reporting Requirements: The Elderly Iowa

Last Updated: April 2023

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Any person who, <i>in the course of employment</i>, examines, attends, counsels, or treats a dependent adult, including the following: <ul style="list-style-type: none"> • A member of the staff of a community mental health center; • A peace officer; • An in-home homemaker-home health aide; • An individual employed as an outreach person; • A health practitioner, as regulated by the state; • A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center; • A social worker; and • A certified psychologist.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • Reasonable belief that a dependent adult has suffered abuse. <p>Where does it go?</p> <ul style="list-style-type: none"> • Report the suspected dependent adult abuse to the Department of Human Services (1-800-362-2178). • For a follow-up written report, a form also can be filled out at https://dhs.iowa.gov/sites/default/files/470-2441.pdf?071020201509 The form can be submitted via fax at 515-564-4011 or emailed to csiu@dhs.state.ia.us. • If a staff member or employee is required to report, the person shall also immediately notify the person in charge or that person's designated agent.
What definitions are important to know?	<ul style="list-style-type: none"> • “Caretaker” means a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. • “Dependent adult” means a person 18 years of age or older who is unable to protect his or her own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule. • “Dependent adult abuse” means: <ul style="list-style-type: none"> • Any of the following as a result of the willful or negligent acts or omissions of a caretaker: <ul style="list-style-type: none"> • Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult.

- The commission of a sexual offense with or against a dependent adult.
- Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.
- The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult's life or health.
- The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult;
- Sexual exploitation of a dependent adult by a caretaker; or
- Personal degradation of a dependent adult by a caretaker.

“**Dependent adult abuse**” does not include any of the following:

- Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment;
 - Circumstances in which the dependent adult's caretaker, acting in accordance with the dependent adult's stated or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment; or
 - The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next of kin, attorney in fact, or guardian.
- “**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.
 - “**Sexual exploitation**” means any consensual or nonconsensual sexual conduct with a dependent adult which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act.
 - “**Sexual exploitation**” includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment

	<p>of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.</p>
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Must report immediately.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Per the Suspected Dependent Adult Abuse Report available at 470-2441. Suspected Dependent Adult Abuse Report (iowa.gov): <ul style="list-style-type: none"> • Name of Dependent Adult • Address • Birthdate • Identification of why the person is a Dependent Adult • Type of abuse noted (e.g., exploitation, physical assault, sexual offense, personal degradation, unreasonable punishment, denial of critical care, unreasonable confinement) • Information about suspected abuse • Caretaker information • Reporter information
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • An employee of a financial institution may report suspected financial exploitation of a dependent adult to the Department of Human Services. • A person participating in good faith in reporting a case of dependent adult abuse has immunity from liability, civil, or criminal, which might otherwise be incurred or imposed based upon the act of making the report. The same person also has immunity with respect to participating in good faith in any judicial proceeding resulting from the report or cooperation or assistance relating to the subject matter of the report, cooperation or assistance. • A person required to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so commits a simple misdemeanor. A person required to report a suspected case of dependent adult abuse who knowingly fails to do so, or who knowingly interferes with the making of such a report, or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure. • Any other person who believes that a dependent adult has suffered abuse may report the suspected abuse to the Department of Human Services. • The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report. • It shall be unlawful for any person or employer to discharge, suspend, or otherwise discipline a person required to report or voluntarily reporting an instance of suspected dependent adult abuse , or cooperating with, or assisting the Department of Human Services in evaluating a case of dependent adult abuse, or participating in judicial proceedings relating to the reporting or cooperation or assistance based solely

	<p>upon the person's reporting or assistance relative to the instance of dependent adult abuse. A person or employer found in violation of this subsection is guilty of a simple misdemeanor.</p> <ul style="list-style-type: none">• If, in the course of assessment, evaluation, or investigation of a report of dependent adult abuse, the department determines that disclosure is necessary for the protection of a dependent adult's resources, the department may disclose the initiation and status of the dependent adult abuse evaluation to the dependent adult's bank, savings association, credit union, broker-dealer.
Statutory citation(s):	Iowa Code §§ 235B.2, 235B.3.