

Comments and Responses
Chapter 15
ARC 8427B

Rule Summary

Provides for the enhanced prevention, detection, and reporting of elder abuse, local advocacy, and service coordination for the protection of older individuals and establishes criteria for certifying trainers to provide dependent adult abuse mandatory reporter training. It also establishes standards for those services and includes a severability rule.

Comment Period

December 30, 2009, to January 19, 2010

Comments and Responses

The following individuals and organizations provided the written comments below:

- Donna Harvey, Executive Director, Hawkeye Valley Area Agency on Aging

Comment: Add “mandatory reporter” to the definitions in 15.2.

Response: The Department added a reference in 15.2 to the definition for “mandatory reporter” that is provided in Iowa Code section 235B.3(2).

Comment: In 15.8 under Priority 1, change “a face-to-face visit with the at-risk older individual and completion of the assessment form shall occur after the life-threatening situation is resolved and within 24 hours” to *within one working day*. Other timelines within the rules refer to working days so this would make it more consistent and would also allow for incidents occurring on weekends and holidays.

Response: The Department made the change to “within one working day” in 15.8(1).

- Linda Dearing, Regional Protective Services Coordinator, Heritage Area Agency on Aging

Comment: 17-15.4(1) The designated coordinator should have four years experience in human services **and** gerontology.

Response: The Department made this change in 15.4(1)(a) and added language that allows a contractor to apply to the Department in writing for an exception if the requirement presents a hardship for contractors hired after April 1, 2010.

Comment: If a contractor should subcontract the assessment portion of the contract to a provider, the subcontractor staff should meet the same educational and experience requirements as the designated coordinator.

Response:

The Department added “and subcontractor” to clarify this in 15.4(1). If a contractor subcontracts assessments, the subcontractor staff should meet the same educational and experience requirements provided in the rule.

Comment: 17-15.9 Release of Information. If the service to be provided is that of a guardian and/or conservator, the client may not have the capacity to give consent. Because the service is that of a substitute decision maker, the client will not have legal representation.

Response: The Department made no change to the rule based on this comment. The signature requirement reflects current law. Under Iowa law, an individual has the right to sign documents until a Court determines they are incompetent; therefore, contractors should comply with the law even in cases where they believe a client lacks capacity.