

Facility and Programs Roles and Responsibilities in Suspected Dependent Adult Abuse

Iowa's long-term care facilities and assisted living programs play a vital role in protecting residents/tenants living in these settings. Abuse, neglect and exploitation can occur anywhere and may be committed by a friend, fiduciary, family member, facility staff or employee. One way of preventing and addressing abuse, neglect and exploitation is by increasing awareness and training. Staff and employees of a health care facility or assisted living program are identified in Iowa Code 235E as mandatory reporters. This law dictates that a staff member or employee of a facility or program who, in the course of employment, examines, attends, counsels, or treats a dependent adult in a facility or program and reasonably believes the dependent adult has suffered dependent adult abuse, shall report the suspected dependent adult abuse to the Department of Inspections and Appeals (DIA).

Possible signs of abuse, neglect or exploitation may include:

- Open wounds, bed sores, or cuts
- Soiling, poor hygiene, smell of urine or feces
- Unexplained disappearance of personal items
- Sudden and unexplained change in weight
- Sudden and unusual financial transactions

In order for DIA to conduct an investigation of an abusive situation, the following criteria must be met:

- **Victim is a dependent adult:** A person eighteen years of age or older whose ability to perform the normal activities of daily living or to provide for the person's own care or protection is impaired, either temporarily or permanently.
- **The alleged perpetrator is the caretaker:** A caretaker is a person who is a staff member of a facility or program who provides care, protection, or services to a dependent adult voluntarily, by contract, through employment, or by order of the court. (A guardian, conservator and attorney-in-fact under a durable power of attorney document are considered caretakers for a resident/tenant, but this type of suspected abuse would be reported to DHS under Iowa Code 235B.)

- An allegation of abuse under the Dependent Adult Abuse Law:

Dependent adult abuse is any of the following as a result of the willful misconduct or gross negligence or reckless acts or omissions of a caretaker, taking into account the totality of the circumstances:

- **Physical Injury, Unreasonable Confinement, Unreasonable Punishment, and Assault:**
- **Sexual Offense:** The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.
- **Exploitation:** A caretaker who knowingly obtains, uses, endeavors to obtain to use, or who misappropriates, a dependent adult's funds, assets, medications, or property with the intent to temporarily or permanently deprive a dependent adult of the use, benefit, or possession of the funds, assets, medication, or property for the benefit of someone other than the dependent adult.
- **Neglect of a Dependent Adult:** The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult's life or physical or mental health.
- **Sexual Exploitation of a dependent adult by a caretaker whether within a facility or program or at a location outside of a facility or program.**

To report suspected abuse, neglect, or financial exploitation in a long-term care facility or assisted living program, contact:

Iowa Department of Inspections and Appeals

877-686-0027

or

https://dia-hfd.iowa.gov/DIA_HFD/Process.do

To discuss concerns by or for a resident or tenant, contact the Office of the State Long-Term Care Ombudsman at 866-236-1430.

The mission of the Office of the State Long-Term Care Ombudsman is to protect the health, safety, welfare, and rights of individuals residing in long-term care by investigating complaints, seeking resolution to problems, and providing advocacy with the goal of enhancing quality of life and care.