

Iowa

Administrative Rules

IAC 10/6/10 Public Health[641] Ch 91
CHAPTER 91

IOWA DOMESTIC ABUSE DEATH REVIEW TEAM

641—91.1(135) Purpose. The purpose of the domestic abuse death review team is to aid in the reduction of the incidence of domestic abuse deaths by accurately identifying the cause and manner of deaths occurring from domestic violence and by making recommendations for changes in policy and practice to improve community interventions for preventing domestic abuse deaths.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.2(135) Definitions.

“Team” means the Iowa domestic abuse death review team.

“Unexcused absence” means failure by a team member to notify the chairperson of an anticipated absence from a team meeting.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.3(135) Agency. The Iowa domestic abuse death review team is established as an independent agency of state government. The Iowa department of public health shall provide staffing and administrative support to the team.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.4(135) Membership. The membership of the team is subject to the provisions of Iowa Code sections 69.16 and 69.16A, relating to political affiliation and gender balance. Team members who are not designated by another appointing authority shall be appointed by the director of public health, in consultation with the attorney general. At least one member shall also be a member of the Iowa child death review team. Membership terms shall be for three years. One-third of the initial members shall serve for three years, one-third of the initial members shall serve for two years, and one-third of the initial members shall serve for one year, as designated by the appointing authority.

91.4(1) The team shall include the following:

- a. The state medical examiner or the state medical examiner’s designee.
- b. A licensed physician or nurse who is knowledgeable concerning domestic abuse injuries and deaths, including suicides.
- c. A licensed mental health professional who is knowledgeable concerning domestic abuse.
- d. A representative or designee of the Iowa coalition against domestic violence.
- e. A certified or licensed professional who is knowledgeable concerning substance abuse.

- f. A law enforcement official who is knowledgeable about domestic abuse and is a member of a state law enforcement association.
- g. A law enforcement investigator experienced in domestic abuse investigation.
- h. A prosecuting attorney experienced in prosecuting domestic abuse cases.
- i. A member of the judiciary appointed by the chief justice of the supreme court.
- j. A clerk of the district court appointed by the chief justice of the supreme court.
- k. A department of correctional services' employee or subcontractor who is assigned batterers' treatment program responsibilities and is knowledgeable about risk level assessment.
- l. An attorney licensed in this state who provides criminal defense assistance or child custody representation and who is experienced in dissolution of marriage proceedings.
- m. Both a female and a male victim of domestic abuse.
- n. A family member of a decedent whose death resulted from domestic abuse.

91.4(2) Vacancies shall be filled in the same manner in which the original appointments were made.

An appointee shall complete the original member's term.

91.4(3) Three consecutive unexcused absences shall be grounds for the director to consider dismissal of the team member and the appointment of another. The chairperson of the team is charged with providing notification of absences.

91.4(4) The department may temporarily appoint other members to serve as experts, as needed, on a case-by-case basis.

91.4(5) Members of the team who are currently practicing attorneys or current employees of the judicial branch shall not participate in the following:

- a. A case review involving a case in which the team member is presently involved by professional capacity.
- b. Development of protocols for domestic abuse death investigations and team review.
- c. Development of regulatory changes related to domestic abuse deaths.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.5(135) Officers. Officers of the team shall be a chairperson and a vice chairperson and shall be elected at the first meeting of each fiscal year unless designated at the time of appointment. Vacancy in the office of chairperson shall be filled by elevation of the vice chairperson. Vacancy in the office of vice chairperson shall be filled by election at the next meeting after the vacancy occurs. The chairperson shall preside at all meetings of the team, appoint such subcommittees as deemed necessary, and designate the chairperson of each subcommittee. If the chairperson is absent or unable to act, the vice chairperson shall perform the duties of the chairperson. When so acting, the vice chairperson

shall have all the powers of and be subject to all restrictions upon the chairperson. The vice chairperson shall also perform such other duties as may be assigned by the chairperson.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.6(135) Meetings. The team shall meet upon the call of the chairperson, upon the request of a state agency, or as determined by the team. Robert's Rules of Order shall govern all meetings.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.7(135) Expenses of team members. The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.8(135) Team duties and responsibilities.

91.8(1) The team shall perform the following duties:

a. Prepare a biennial report to the governor, supreme court, attorney general, and the general assembly concerning the following subjects:

(1) The causes and manner of domestic abuse deaths, including an analysis of factual information obtained through review of domestic abuse death certificates and domestic abuse death data, including patient records and other pertinent confidential and public information concerning domestic abuse deaths.

(2) The contributing factors of domestic abuse deaths.

(3) Recommendations regarding the prevention of future domestic abuse deaths, including actions to be taken by communities, based on an analysis of the contributing factors.

b. Advise and consult the agencies represented on the team and other state agencies regarding program and regulatory changes that may prevent domestic abuse deaths.

c. Develop protocols for domestic abuse death investigations and team review.

91.8(2) In performing duties pursuant to subrule 91.8(1), the review team shall:

a. Review information concerning the relationship between the decedent victim and the alleged or convicted perpetrator from the point when the abuse began until the death occurred in order to identify any correlation between events in the relationship and the escalation of the abuse.

b. Review documents such as orders of protection, dissolution, custody, and support or related court records.

c. Determine whether patterns regarding these events can be established in relation to domestic abuse deaths in general, and consider such conclusions in making recommendations for the biennial report.

91.8(3) The team may establish committees or panels to which the team may assign some or all of the team's responsibilities set out in this rule.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.9(135) Liaisons. The following individuals shall each designate a liaison to assist the team in fulfilling its responsibilities:

1. Director of public health.
 2. Director of human services.
 3. Commissioner of public safety.
 4. Director of corrections.
 5. Attorney general.
 6. Director of education.
 7. State court administrator.
 8. Director of the law enforcement academy.
 9. Director of human rights.
 10. Administrator of the bureau of vital records of the department of public health.
- [ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.10(135) Confidentiality and disclosure of information. The team and liaisons shall maintain the confidentiality of all information and records used in the review and analysis of domestic abuse deaths, including disclosure of information which is confidential under Iowa Code chapter 22 or any other provisions of state law.

91.10(1) No information on individual deaths contained in the records described in this rule shall be disclosed except for the purposes of the team, committee or subcommittee meeting, and no confidential information received in preparation for or during the course of such meeting shall be removed from the meeting room except for further review as authorized by the team chairperson.

91.10(2) In preparation for review of an individual death by the team or its authorized committee or subcommittee, the chairperson of the team or the chairperson's designee is authorized to gather all information pertinent to the review. This information may include, but is not limited to:

- a. Hospital records;
- b. Physician's records;
- c. School and child care records;
- d. Autopsy records;
- e. Child abuse registry, investigation or assessment records;
- f. State public assistance records;
- g. Traffic and public safety records;
- h. Law enforcement records;
- i. Fire marshal's records;
- j. Birth and death records; and
- k. Other relevant records necessary to conduct a complete review.

91.10(3) A person in possession or control of medical, investigative or other information pertaining to a domestic abuse death and related incidents and events preceding the domestic abuse death shall allow the inspection and

reproduction of the information by the department upon the request of the department to be used only in the administration and for the duties of the Iowa domestic abuse death review team.

91.10(4) Information and records which are confidential under Iowa Code section 22.7 and Iowa Code chapter 235A, and information or records received from the confidential records, remain confidential under this rule.

91.10(5) A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this rule.

91.10(6) A person who releases or discloses confidential data, records, or any other type of information in violation of this rule is guilty of a serious misdemeanor.

[ARC 9110B, IAB 10/6/10, effective 11/10/10]

641—91.11(135) Immunity and liability.

91.11(1) Review team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity.

91.11(2) A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review team members involving the performance of their duties and powers.

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These rules are intended to implement Iowa Code sections 135.108 to 135.112.
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