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Policy: Sex Offender Registry Checks

**Purpose:** Pursuant to 42 C.F.R. 483.13(c), each resident has the right to be free from mistreatment, neglect and misappropriation of property. This includes the facility’s identification of residents whose personal histories render them at risk for abusing other residents.

**Procedure:** To assist in this identifying of residents who might be at risk for abusing other residents, ***(name of facility)*** will conduct checks of Iowa’s Sex Offender Registry for all current residents and prospective admissions, utilizing the following website:

<https://www.iowasexoffender.gov/search>

The facility will also determine whether its building is located within 2000 feet of a public or nonpublic elementary or secondary school or a child care facility. The assistance of the facility’s local police department/sheriff’s office will be used to assist in identifying whether the facility is within the restricted boundaries.

# Existing Residents:

If the facility is within the 2000 feet of a school/child care facility and an existing resident is listed on the sex offender registry, the facility will determine:

1. whether the resident’s sex offender status results from a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor; and
2. confirm that none of the following exceptions apply: (a) the resident is subject to an order of commitment under chapter 229A; or (b) the resident has established a residence at the facility prior to July 1, 2002, or (c) a school or child care facility is newly located on or after July 1, 2002, or (d) the person is a ward under a guardianship.

If both of these conditions are met, the facility will notify the resident and responsible party/legal representative that the resident’s continued presence in the facility constitutes a violation of the registry laws. The facility should also contact local law enforcement officials to inform them of a possible sex offender residency restriction violation.

For existing residents who are present on the sex offender registry, including those who are exempt from the residency restrictions pursuant to Iowa Code 692A.2A, the facility shall notify the resident’s treating physician of the resident’s status on the registry and solicit input regarding the physician’s assessment of the resident’s risk for committing abuse. Residents assessed to be at risk should have this issue identified on the care plan with interventions implemented to address the risk. The resident shall be reassessed on a regular basis and will be monitored for any behavioral changes that may trigger abusive behavior.

# Prospective Residents:

If the facility is within the 2000 feet of a school/child care facility and a prospective resident is listed on the sex offender registry, the facility will determine:

1. whether the resident’s sex offender status results from a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor; and
2. confirm that none of the following exceptions apply: (a) the resident is subject to an order of commitment under chapter 229A; or (b) the resident has established a residence at the facility prior to July 1, 2002, or (c) a school or child care facility is newly located on or after July 1, 2002, or (d) the person is a ward under a guardianship.

If both of these conditions are met, the facility will notify the resident and responsible party/legal representative that the resident will not be admitted to the facility based on the sex offender residency restrictions.

Prospective residents who are present on the sex offender registry, including those who are exempt from the residency restrictions pursuant to Iowa Code 692A.2A will have their convictions further investigated to determine the nature of the registry listing including seriousness, number of convictions, and dates of convictions before any decision is made to admit the resident into the facility. In addition, current medical and cognitive status shall be assessed to determine whether the facility can meet the prospective resident’s needs regarding sufficient monitoring and supervision. If the facility determines that it cannot meet the needs of the prospective resident, the resident and responsible party/legal representative will be informed that the resident will not be admitted.

If the facility determines that the prospective resident does not pose a significant risk for exhibiting abusive behavior, the facility shall notify the resident’s treating physician of the resident’s status on the registry and should have this issue identified on the care plan with interventions implemented to address the risk. The resident shall be reassessed on a regular basis and will be monitored for any behavioral changes that may trigger abusive behavior.

The facility shall maintain a checklist verifying that the sex offender registry checks were conducted. For those sex offender registry checks that result in a positive identification, the facility should print a copy of those searches and in the instance of an existing resident, the check should be maintained in the resident’s clinical record.

Date Implemented: