

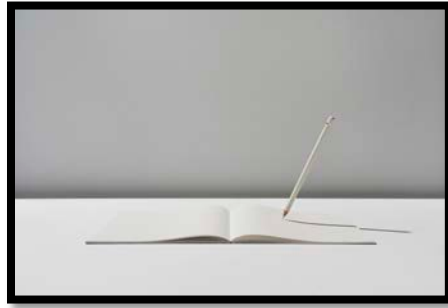


ANNUAL REPORT

2024



**Iowa Office
of Ombudsman**



This annual report about the exercise of the Office of Ombudsman functions during the 2024 fiscal year is submitted to the Iowa General Assembly and the Governor pursuant to Iowa Code section 2C.18.

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MESSAGE FROM THE OMBUDSMAN

It is my pleasure to write my third Annual Report column as Iowa's Ombudsman. I would like to take this opportunity to talk about my office's fiscal year 2024 accomplishments, and to share my goals for the next year.

For those who are not familiar with the Ombudsman's office, we are a good-government Legislative branch agency tasked with investigating state and local government with the goal of improving government services.

Fiscal Year 2024 Accomplishments

During fiscal year 2024, the period covered in this report, my office opened 5,715 cases - a 4.7% decrease from fiscal year 2023, but still the fourth-highest number of cases in the history of the office (with the top two years being 2021 and 2022) and 41% more cases than we opened in 2014. Of the total cases, 4,687 were complaints about state or local government agencies within our jurisdiction and 401 were requests for information.



With such a big workload, we need to be selective about the cases we choose to investigate. I continue to work with staff to improve our process of identifying the best cases to investigate that will have the biggest impact for the greatest number of Iowans.

In addition, our communications with the Legislative branch (of which we are a part), the state and local agencies we oversee, and the public whom we serve continue to be a priority. To that end, I send quarterly updates to the Legislature to keep members informed of current topics impacting my office. My staff and I have also built relationships with key employees of governmental entities across the state. Good relationships result in more efficient investigations and more receptiveness to our recommendations when we make them.

We also have sought to improve how we communicate with the public. Fiscal year 2024 was the first full year for the new version of our website. The new website provides many more resources for Iowans looking for information about government services and guidance on how to interact with the government. Complaints are easier to submit through the new website as well. In fact, people submitted 72% more complaints through the new website in fiscal year 2024 compared to the previous year through the old website. People are now finding information on their own by directly accessing the many resources offered on our website.

In fiscal year 2024, we released two public reports on jail-related issues. We issued a report in March 2024 on jail medical expenses. In June 2024, we issued a report about a county jail's decision to curtail an inmate's religious rights during her stay there. The goal of both reports is to provide clear guidance for jails to avoid unforced errors that could impact inmates' rights and lead to costly litigation. We have encouraged jail administrators to read the reports and use them to evaluate and improve their own processes.

Both reports can be found on our website at <https://ombudsman.iowa.gov/reports>.

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On the Horizon

As proud as I am about our accomplishments of the past year, I am equally excited about the future.

We are close to publishing another public report on an important local government issue. The goal of issuing local government-focused reports is to allow cities and counties to learn from the experiences of their neighbors and, hopefully, not make the same mistakes.

Also, in the wake of House File 604, which passed in 2023, this office is now fielding more complaints and questions relating to education. I look forward to continuing to expand into that area. An article on page nine of this report discusses how people can navigate the complexities of education-related issues.

Finally, like all government agencies, we must continue to maximize our limited resources, and I continue to identify opportunities to be more efficient in carrying out our duties.

What We Do

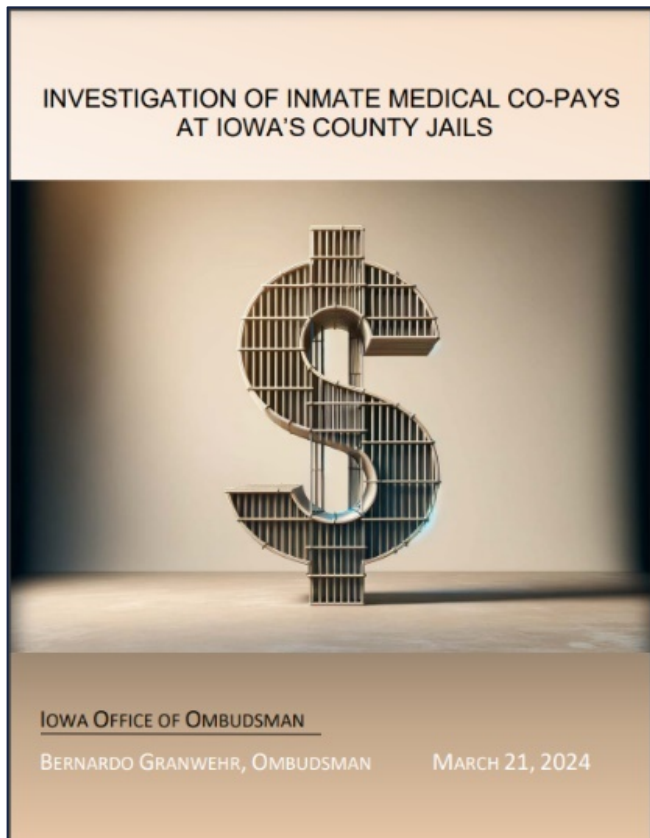
We investigate complaints against agencies or officials of state and local governments in Iowa.

We work with agencies to attempt to rectify problems when our investigation finds that a mistake, arbitrary, or illegal action has taken place.

We have a unique statutory responsibility to investigate and determine if an action was fair or reasonable, even if in accordance with law.

We have access to state and local governments' facilities and confidential records to ensure complete review of facts regarding a complaint.

PUBLIC REPORTS ISSUED IN FY2024



Public Report Highlights Collection of Medical Expenses in Jails

The COVID 19 pandemic forced the Ombudsman's office to adjust its priorities in the face of a historically high number of complaints, along with urgent issues that arose from the pandemic. As some of the immediate concerns subsided, the office was able to dig further into systemic casework.

One such case involved inmate co-pays for medical expenses. The office had tracked jail processes for several years that were contrary to Iowa law, caused in part by seeming contradictions between the Iowa Code and the Iowa's administrative rules.

Iowa law requires jails to provide necessary care to inmates for objectively serious medical and dental needs. County sheriffs are allowed to recover the costs from inmates, but only if

they are found guilty and only after a bill of costs is presented to a judge of the district court for approval.

The office highlighted a variety of fact scenarios where inmate funds had been garnished contrary to law in four different jails. None of the jails disagreed with the Ombudsman's interpretation of the law or its recommendations. Three of the four counties committed to or had already made changes to their practices to align with Iowa law. We have since heard from several other jails who have committed to changes of their handling of inmate medical expense matters consistent with our interpretation of the law.

To alleviate any confusion moving forward, we recommended the Department of Corrections (DOC) amend the administrative rules to reflect the Iowa Code. Unfortunately, to date, the agency has declined to make any changes. We are continuing to encourage DOC to make this much-needed clarification to its administrative rules.

Copies of the Ombudsman's report are available at the Ombudsman's website at <https://ombudsman.iowa.gov/>.

Public Report Guides Jails on How to Handle Religious Requests

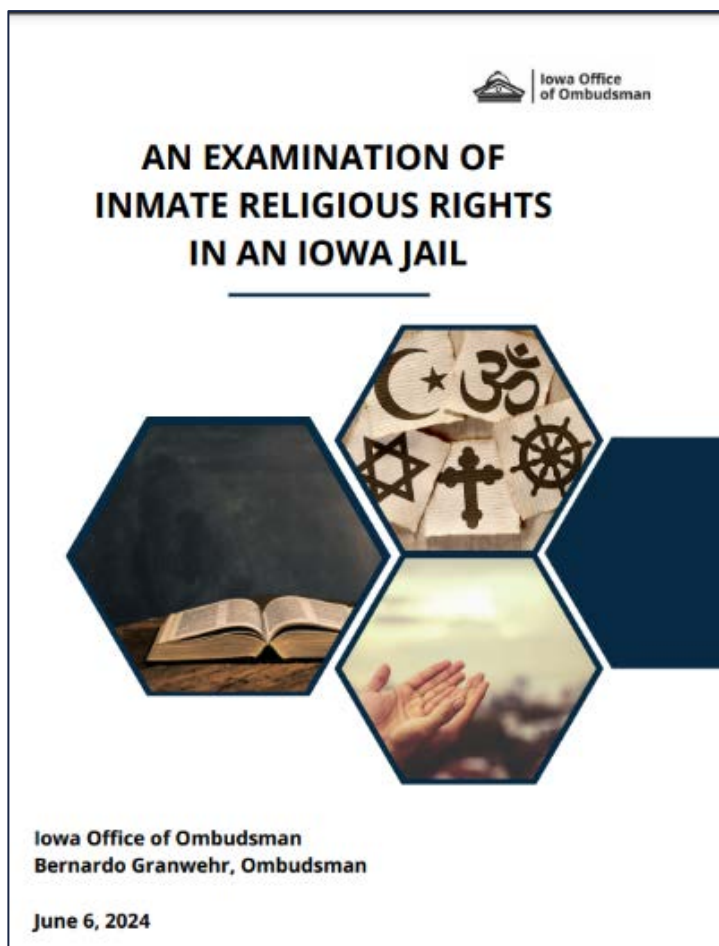
The office's second public report for FY 2024 attempted to help jails navigate the legal obstacles when an inmate makes a religious request. Inmate religious rights are governed by constitutional and statutory law - both state and federal - as well as a long history of court precedent. Ignorance of the law can easily cause a jail to unintentionally violate an inmate's rights.

Our report highlighted a single inmate at a county jail who was attempting to obtain tarot cards for her religious practice. The jail in question denied the cards, citing various reasons throughout our inquiry, none of which were valid excuses under the law.

Our report cited long-standing caselaw that prohibits a jail from impeding an inmate's religious practices unless it could show that an accommodation would create a safety or security concern. No such concerns were raised in this case.

The county sheriff acknowledged our findings and committed to respecting inmates' religious rights at his jail.

Copies of the Ombudsman's report are available at the Ombudsman's website at <https://ombudsman.iowa.gov/>.



Iowa Office of Ombudsman Mission Statement

"Making Good Government Better"

CASE SUMMARIES AND TOPICAL STATISTICS

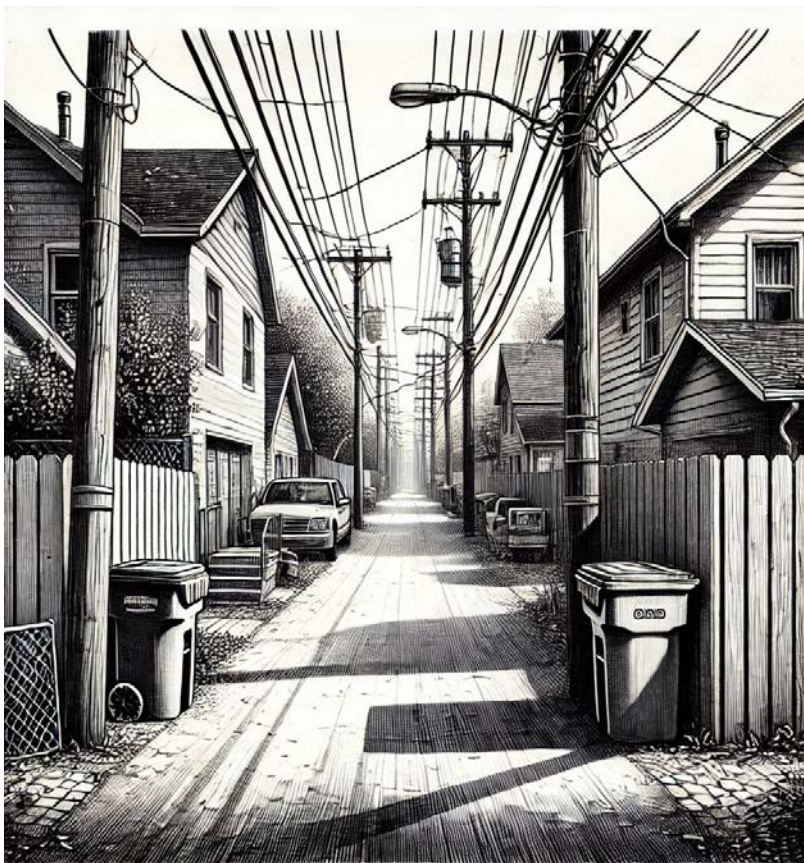
Local Government

Resident Complaint Leads to Changes to City Upkeep of Alleys

A central Iowan contacted us with concerns that his city was not maintaining its alleys, which is contrary to state law. He argued that the lack of upkeep was a hardship for anyone with garages that backed to alleys. The resident said the situation was particularly dicey during winter months when residents were on their own in addressing snow and ice in the city-owned alleys.

Before coming to us, the resident went to the mayor, who responded that it was a budget issue and city leaders might have to consider a property tax increase if they started maintaining the alleys.

Iowa Code section 364.12 says that alleys - like streets, bridges, and culverts - are among the public places that cities are required to keep "open, in repair, and free from nuisance." Iowa Code does not allow cities to exercise discretion on whether to keep their alleys in good shape.



We sent the city a detailed letter to outline our position that it had a legal obligation to maintain its alleys and failing to maintain them represented a safety and legal liability for the city. We cited the statutes and court cases that we felt supported our conclusions. We also suggested that City leaders should develop a plan to perform general alley maintenance, to include snow and ice removal. As always, we encouraged city leaders to confer with their attorney to help ensure their ordinances, policies, and practices aligned with Iowa law.

City leaders ultimately reconsidered their position and accepted our suggestion to start maintaining their alleys. We are pleased that the city began complying with the law while addressing a safety and liability concern for both the city and its citizens.

Water Disconnected Without Proper Notice

A city resident complained that she did not receive a disconnect notice prior to city officials turning off her water. Iowa Code section 384.84 and city ordinance stated that disconnect notifications must be sent by ordinary mail prior to utility shutoff.

We were provided a copy of the notice that was mailed to the complainant prior to service disconnection which satisfied state legal requirements. However, the notice stated, "... this notice is complimentary and not required prior to shut off."

We recommended that this verbiage be changed because it contradicted state law,

which clearly states that notice *is* required prior to utility shutoff. City officials agreed to consult with legal counsel and update the language on the notice before any more were sent out.



Ombudsman Helps Homebuilder Sort out Water Billing Snafu

A central Iowa homebuilder asked us to help him resolve a \$600 dispute with a water utility over bills that were reportedly sent in error. Utility personnel reportedly told the builder they would not bill him for the first three months of service, then failed to follow up when he called to question the charges.



The situation started when it was time for the utility to install a water main where the complainant was building three residential homes. According to the builder, a utility staff member asked if water-meter pits could be installed at the same time as the main. The builder said he agreed to the utility's request if he was not billed until he was ready to use the pits some three months later. Utility officials reportedly agreed to waive charges for three months; however, bills started coming in and eventually topped \$600.

We agreed to inquire about the matter since the builder's requests to the water utility had reportedly gone unanswered. We summarized the complainant's side of things and asked a utility administrator if the first three months should have been waived, as we were told. In response, the administrator told us it was a unique situation because billing usually starts right away. However, the administrator agreed the builder should not have been charged for three months. The billing error was acknowledged, and the administrator waived the disputed charges—just as the utility and builder had originally agreed.

Confusion Ensues Over City's Behind-the-Scenes Solid Waste Role

A small business owner noticed her city charged garbage fees to her and other commercial property owners on their utility bills, even though the city picked up garbage only from residential properties. She contacted city hall about the issue but did not receive a clear answer on why the city charged commercial property owners for a service that was not being offered.

Courts in Iowa and across the country have repeatedly upheld mandatory solid waste fees assessed on property owners who choose to forego a city's service and contract with a private company. In this case, though, it looked like the city was charging a fee for a service that did not even exist.

We contacted the city and inquired about this issue. A municipal utility employee explained that the city does not offer solid waste collection services to commercial properties, but it does pay landfill fees to actually dispose of those properties' garbage.

While private companies collect solid waste from the city's commercial properties, they do not pay for disposal—the city does. The city does this because purchasing landfill access for both residential and commercial properties enables the city to get a lower rate for its residents.

After receiving this information from the city, we relayed it to the property owner, explaining why the city is charging her for their behind-the-scenes role in taking care of her business' garbage.

Companies Now Monopolizing Tax Sales

Property-tax sales are the method that county treasurers use to make their counties' budgets whole when property owners do not pay their taxes. At least once a year, treasurers offer up delinquent tax bills to investors who can bid for the right to pay off individual property owners' back taxes. In exchange, the investors are allowed to charge the property owners 2 percent interest per month - 24 percent annualized - until the debt is repaid.

Bidding on these delinquent taxes takes place in an auction. In order to participate in the auction, investors must register with the county treasurer for a fee.

If more than one registered investor bids on a tax bill, and none is willing to outbid the others, the winning bid is settled by a random drawing.

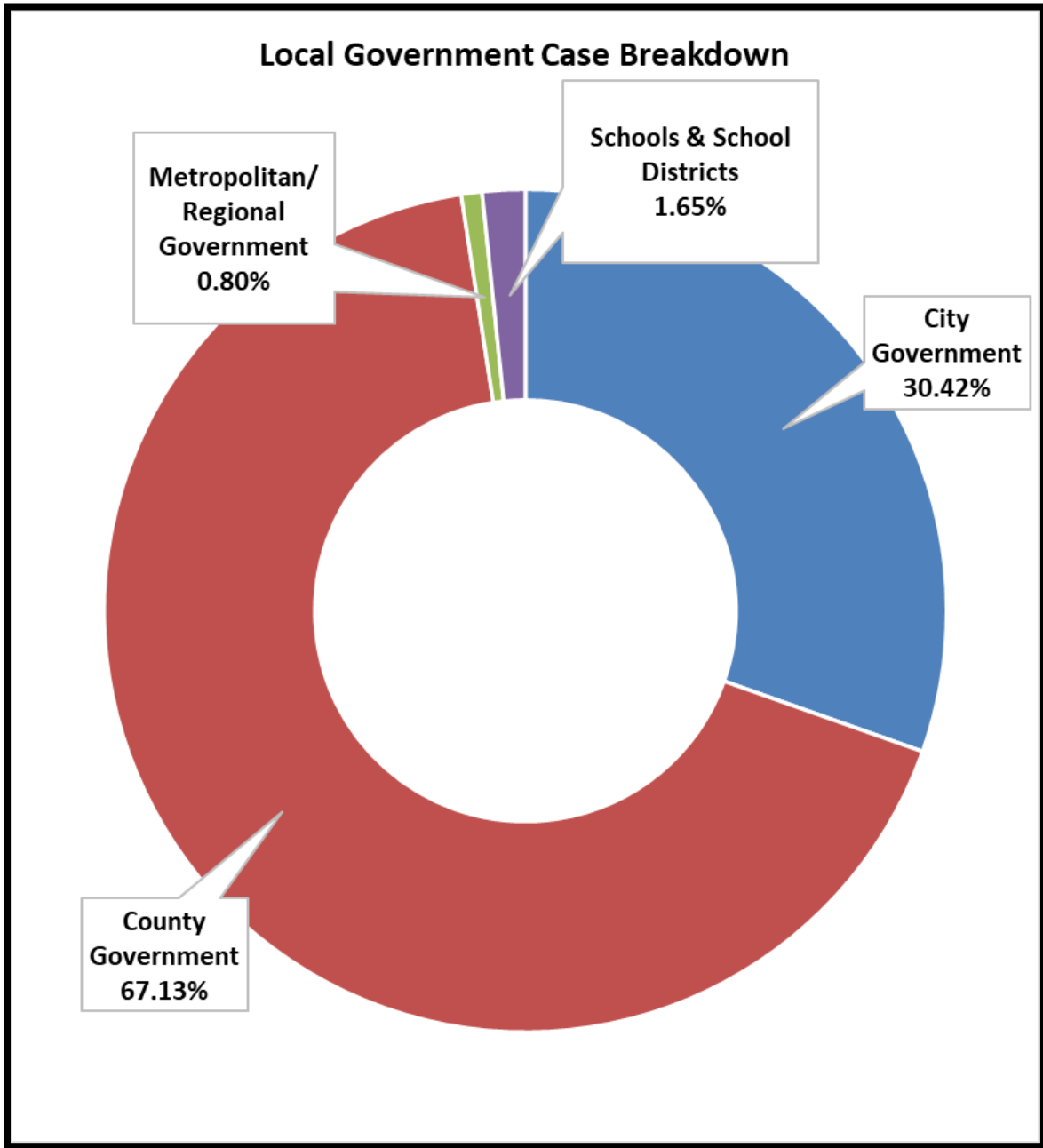
We have found, however, that these drawings are not as random as they would seem. That is because county treasurers are allowing investors to register as many times as they like. In the case of one recent county tax sale we reviewed, just three companies paid for 1,309 registrations. In contrast, seven individual investors registered just one time each. That means individual investors had a 1-in-1,316 chance of winning a random drawing where all the registrants bid on a property.

In other words, individual investors are being shut out of most county tax sales. Companies now corner most of Iowa's tax-sale business.

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One treasurer we spoke to acknowledged the process “stacks the deck” and is “inherently unfair” to individual investors, but he was uncertain what could be done about it. Iowa Code chapter 446 is silent on the matter, and the counties are not a victim of the practice, since they recoup delinquent tax bills either way.

Tax sales are lucrative opportunities for winning bidders, but individual investors will continue to be shut out of those opportunities under the current system, which favors companies.



An Overview of School-Related Complaints

On May 26, 2023, Governor Kim Reynolds signed House File 604 into law. While this Act authorized the Ombudsman's office to investigate complaints of school violence received by licensed school personnel, we have always had the authority to take complaints from any individual about school district policies, administrators, teachers, and school boards. There are many avenues in which the Ombudsman's office could assist with school complaints, but we also have a general expectation that complainants to our office exhaust any available administrative remedies before coming to our office.

What are those administrative remedies? We thought it would be useful to answer that question by briefly explaining the school complaint process and where the Ombudsman's office fits into that process.

Schools

Each local school district in Iowa has a superintendent and a school board. All school complaints, including but not limited to student behavior, teacher behavior, safety concerns, curriculum or textbook content, policy or procedures, discipline, or special-education needs should first be taken to the local school district in the following order:

- School building staff including the principal, vice principal, counselor, or equity coordinator depending on the issue
- The superintendent
- The school board
- Local police if there are allegations of a crime

Each school district has school policies, school board policies, and handbooks for students and parents. Complainants should be familiar with these written policies to understand a district's complaint processes and timelines. Complainants are encouraged to submit any school district complaints in writing, even if policies do not require this.

Schools are required to have at least one staff person designated as their equity coordinator under federal Title IX of the Education Amendments of 1972 (prohibiting discrimination on the basis of sex, referred to as just Title IX) and Section 504 of the Rehabilitation Act of 1973 (prohibiting discrimination based on disability, referred to as 504 or 504 Plan). Some school districts designate one employee while others designate more than one to coordinate compliance with all applicable civil rights laws. These designated employees may have different titles such as civil rights coordinators, equity coordinators, Title IX coordinators, Title VI coordinators, Section 504/Americans with Disabilities Act (ADA) coordinators, disability rights coordinators, etc. The Iowa Department of Education (Department) collects and can provide the contact information for designated equity coordinators for each school year.

Complaints about special education issues can simultaneously be filed with the local Area Education Agency (AEA), if the AEA provides these services, or a school district's equity coordinator.

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Department of Education

Once a complainant has exhausted his or her complaint and appeals with a school district (school, school district superintendent, and school board), the next step is to file a complaint with the Department. The Department provides oversight to the state education system that includes PK-12 public elementary and secondary schools, nonpublic schools that receive state accreditation, area education agencies, community colleges, and teacher preparation programs.

Department of Education Contact Information

<https://educate.iowa.gov/help-feedback>

Phone: 515-281-5294

Although the Department provides oversight, the local districts are governed by state and federal laws that set broad parameters regarding coursework requirements, assessments, and teacher qualifications. Each school district's locally elected board of directors sets its own policies, defines academic requirements, and approves the local budget. The Department accepts complaints about these topics after a complainant has exhausted the local school district complaint process.

The Department also has enforcement authority, which means if finds that a school is not in compliance, it can direct the district to come into compliance.

Board of Educational Examiners

Complaints about specific licensed school employees can also be made to the Iowa Board of Educational Examiners (Board). The Board establishes and enforces standards and licensing for Iowa educational practitioners to address the needs of students.

Complaints to the Board can be made against any licensed educational practitioner, but only certain individuals are permitted to file complaints with the Board: licensed practitioners employed by a school district; an educational entity or recognized local or state professional organization; or parents or guardians of students involved in the alleged complaint.

Board of Educational Examiners Contact Information

<https://educate.iowa.gov/board-educational-examiners>

Phone: 515-281-3245

Complaints must relate to an alleged violation of one or more of the standards of practice in the Code of Professional Conduct and Ethics (Iowa Administrative Code 282-25), be of a sufficient magnitude to warrant a hearing by the Board, have sufficient, concrete evidence to support the allegations, and be filed within three years of the events in question, unless there is good cause for a delay.

The Board only accepts complaints that have been signed by a complainant. It cannot investigate anonymous complaints. The Board also asks all complainants to first make every effort to resolve their issues at the local school district level.

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Importantly, the Board has the power to impose sanctions on a practitioner's license, but it does *not* have the power to order local school districts to take any particular action. More information about the Board's complaint resolution process can be found at its website:

<https://educate.iowa.gov/educator-licensure/ethics-complaints>.

Ombudsman

How can the ombudsman's office help? First, our office can help complainants navigate the complexities of the administrative process. We can make referrals and provide contact information to the state agency best able to assist with the complaint depending on the type of complaint and where the complaint currently stands in the process. We can also help if complainants are having a difficult time receiving updates or responses to their complaints from the school districts or the state agencies involved in taking complaints of this nature. We often can speed up official responses from agencies.

Once a complainant has exhausted their remedies through the school district and the available state agencies, our office can review the agencies' work to determine whether the agency's actions were contrary to law or rule, unfair, or unreasonable.

While we do not have the ability to order an agency to take a particular action, if we find that an agency acted unfairly, unreasonably, or contrary to law, we work with the agency to persuade it to rectify the situation. We also can provide complainants with advice on any appeal rights they may still have.

The Ombudsman's Office is also bound by the confidentiality of education records under federal law and may be limited in what records we are able to access. This could limit our ability to fully investigate some complaints.

More information about our office, including our contact information and the types of complaints we accept, can be found at our website: <https://ombudsman.iowa.gov/>. We accept complaints or inquiries by telephone, email, letter, or through our online complaint form.

Information About Schools and School Complaints on the Ombudsman Website:

<https://ombudsman.iowa.gov/services/for-the-public/what-the-iowa-office-of-ombudsman-can-do/5/schools>

Phone: 515-281-3592

Human Services

Agency's Best Efforts to Protect Confidential Information are Not Always Enough



The details of a child abuse investigation are highly confidential. The information collected is protected under state and federal law and may only be shared with certain individuals and entities. Agencies privy to this information go to great lengths to maintain its confidentiality. That includes the state agency responsible for carrying out these investigations, in the name of child welfare.

Despite this, unintended disclosures of child abuse information do, regrettably, occur from time to time. In 2024, the Ombudsman's Office

had opportunities to assist the child welfare agency in identifying some of these occurrences while addressing the concerns of those negatively impacted.

Last spring, an Iowa father was accused of physically abusing his adolescent son. The child welfare agency investigated and ultimately determined that the father's actions did not warrant placement on the state's child abuse registry. In the process, however, the details of the investigation were shared with a person who should not have been informed.

The son's birth mother had lost her parental rights many years earlier through a private termination of parental rights (TPR) proceeding that was initiated by the father. As such, the woman should not have had access to confidential information about the child. Unfortunately, the woman was still listed as a parent in the agency's records. And when the abuse investigation commenced, she received a notification in the mail. She was then able to speak to the agency's assigned investigator and discuss the details of the allegations. When the investigation concluded, the woman received a copy of the written report that was produced.

By the time we learned of the matter, the agency, to its credit, had taken steps to correct the problem by updating its records to reflect that the woman had lost her parental rights. But the disclosures that had already been made could not be undone.

According to the father, he had sought the TPR in order to shield his son from a mother who, he said, was never there for the child. In the years that had passed, he had remarried and found stability for himself and his son. He was understandably appalled to learn that the birth mother now knew everything about such an unpleasant chapter in his family's life.

We substantiated the father's complaint in light of the fact that the agency had ample time during the investigative period to learn of the private TPR, but failed to do so. But we also acknowledged that some of the disclosures that were made were truly beyond the agency's control.

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Unlike TPR proceedings that are initiated by the state - with which the agency is directly involved and can easily track - there is no available mechanism for the agency to track private TPRs. Because of this, it is not possible for the agency to know that a private TPR has happened on its own. And even if it receives word that a private TPR has occurred, it still must confirm this. In our discussions, we learned that the agency can seek the assistance of the state attorneys to confirm a private TPR. But to do this, it must, of course, have reason to believe that a private TPR has taken place. The process is not nimble enough to be effectively deployed at the intake stage when the agency receives reports of suspected abuse and must make time-sensitive decisions about investigating those reports.

Under the law, when the agency opens a child abuse investigation, it must send a written notification to the parents of the alleged child victim. If the agency does not know that a parent has lost their rights, it may unwittingly notify someone who has no right to know. That's exactly what happened in the father's case.

But it can get even more complicated than this. Even if the agency has reason to believe that a private TPR has been conducted when it opens an investigation, there may not be time to confirm this before notifications must be sent. This has the potential to create an unfortunate dilemma where the agency must either send a notification to a parent who has probably lost their rights or withhold notification from a parent who may not have actually lost their rights.

Fortunately, situations like this occur so infrequently that neither this office nor the officials at the agency could recall a previous similar instance. Nonetheless, it remains a problem in need of a solution and we hope to assist the agency as it explores options.



Agency Withholds Child Support Without Notice to Mother

An Iowa mother complained that the state's child support enforcement agency kept

nearly an entire month's worth of her support payments. The agency had been overpaying her for years. According to the mother, there was a repayment plan in place for her to satisfy the debt in small monthly increments. She said that, instead of following the plan, the agency took all but a small portion of the payment she was to receive that month. This caused a significant financial hardship for the mother, who was struggling to meet her monthly expenses.

We contacted the agency on the mother's behalf. The agency said that there had been no repayment plan in place but acknowledged that it had kept almost all her monthly support payment without providing her notice.

Out of concern for the hardship this created for her, the agency agreed to refund the mother and establish a reasonable monthly payment plan.



Father Double-Charged for His Child Support Obligation

An Iowa father had been double charged for his child support obligation. A state agency had been withholding funds from both his employment income and his veteran’s (VA) disability benefits. This lasted for a few months and had the effect of eliminating a delinquent balance that he was carrying. When the father was up to date on his support obligation, the agency said it would stop withholding his VA money. But this did not occur, and the agency continued to collect double payments from him for another two months.

We made an inquiry to the agency about the matter. The agency confirmed that the notice to stop withholding had not been sent to the VA. The agency finally sent the notice and reimbursed the father for the overpayment.



Complainant Rights and Responsibilities

You Are Entitled To:

- make a complaint and to express your opinions in ways that are reasonable, lawful and appropriate;
- a reasonable explanation of the Ombudsman’s complaint procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply;
- a fair and impartial assessment and, where appropriate, investigation of your complaint based on the merits of the case;
- a timely response;
- be informed in at least general terms about the actions taken and outcome of your complaint;
- be given reasons that explain decisions affecting you;
- be treated with courtesy and respect;
- communicate valid concerns and views without fear of reprisal or other unreasonable response;
- one review of the decision on your complaint.

You Are Responsible For:

- treating the Ombudsman staff with courtesy and respect;
- clearly identifying to the best of your ability the issues of the complaint, or asking for help from the Ombudsman staff to assist you in doing so;
- providing to the Ombudsman to best of your ability all the relevant information available to you at the time of making the complaint;
- being honest in all communications with the Ombudsman;
- informing the Ombudsman of any other action you have taken in relation to your complaint;
- cooperating with the staff who are assigned to assess/investigate/resolve/determine or otherwise deal with your complaint.

State Government

Data Entry Error Prevents Man from Receiving Unemployment Benefits

A man reached out to us seeking help with unemployment benefits he qualified for because of a seasonal layoff from his job. The man had worked for his company for nearly two decades and had routinely qualified for seasonal layoff unemployment benefits in the past. The man's seasonal layoff occurred in mid-June and he contacted us in mid-July when his benefits still had not been issued. Initially, the man believed he had accidentally entered his social security number incorrectly, but after multiple phone calls and emails, the issue with a state agency remained unresolved.

We contacted the state agency and discovered that a fact-finding employee had erroneously determined the man was ineligible.

The error was corrected as a result of our inquiry and his benefits were released to him the next day.

Resolving a Delay in Unemployment Benefits

A factory worker contacted our office to express her frustration with the slowness and lack of information about her unemployment claim. Her employer schedules a two-week factory maintenance window every year, and the hundreds of employees who are asked not to report during that time have always been instructed to apply for two weeks of unemployment benefits. This year, her claim was flagged as part of a random audit program focused on claims from large employers.

After not hearing any developments about the benefits for two weeks, the worker contacted the state agency responsible. She was told she would receive information about a fact-finding interview soon. Two more weeks later, she had not heard anything.



We reached out to the agency for a status update and an explanation of what was causing this claim to sit with no movement. The agency responded within a few hours that the worker had been contacted and the claim had been brought up to date.

The worker confirmed the agency was able to sort things out and thanked us for helping to get things moving.



Barber Apprentice Program Seeks a Cut of Higher Ed Student Aid

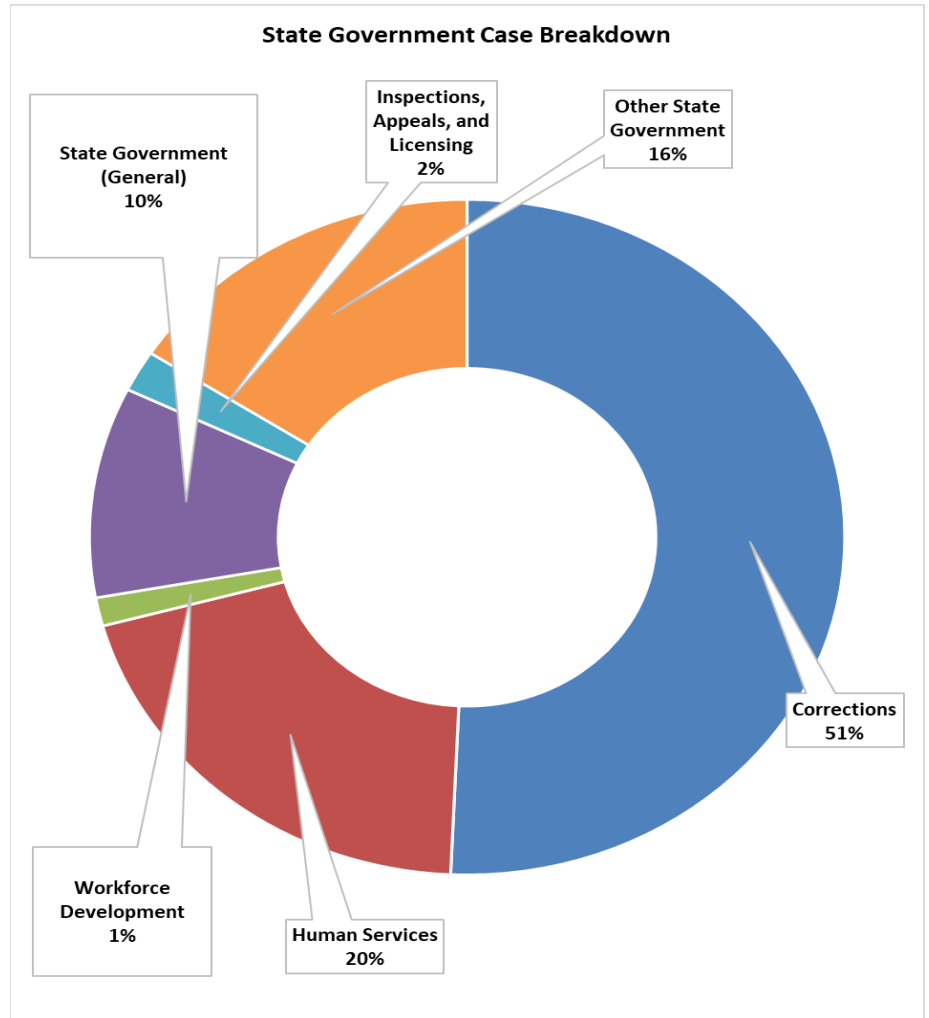
The operator of a barber apprentice program contacted our office after three years of failed efforts to register as a postsecondary school with the State of Iowa. Doing so would allow apprentices at his shop to access certain student loan programs. The state agency responsible for registration informed him that it did not have regulatory authority over apprenticeship programs like his.

He had been trying for years to convince the agency that his apprenticeship program was also a school under Iowa law, and he reportedly never received a solid explanation on why that would not be true.

We fully considered his claims and walked the apprenticeship owner through the requirements of being a postsecondary educational institution under Iowa law, including accreditation by the federal government or by an approved accreditation organization.

While the owner was presenting his apprenticeship program as also being a barber school, our review of licensed schools of barbering and cosmetology arts and sciences revealed that his business was not licensed as a barber school.

We explained the difference and cautioned the business owner about presenting his business as both an apprenticeship program and a barber school when he was only licensed as the former.



Extensive Delays for a Consumer Protection Claim

A consumer who had a dispute with a payment app which promised easy cashback rewards went to the state's consumer protection office for assistance. He was told his claim had been received and he would be contacted shortly.

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Eleven months later, he was still trying to get in touch with an investigator to go over his claim. We reached out to the investigator he was told had been assigned to his case. She acknowledged that there had been some error, as his claim was closed. She agreed to reach out to him immediately.

The following day, the consumer let us know she had called him, and his claim was finally going forward.

What to do before calling the Ombudsman

If you have a problem with a state or local government agency, take the matter up with the agency involved first before calling the Ombudsman. Here are some basic steps to take:

- Be prepared. Know what questions you are going to ask. Be sure to have any relevant information you need available before you contact the agency.
- Be pleasant. Treat public employees as you like to be treated. Becoming angry or rude will not resolve your problem and may only cause officials to close off communications.
- Keep records. Take notes, ask for the names and titles of employees you speak with, and save any emails or letters.
- Ask questions. Ask why the agency acted as it did. Ask employees to identify the rules, policies or laws that governed their actions. Keep asking questions until you understand what happened and why.
- Talk to the right people. Do not get angry with the first employee you meet; usually, he or she does not have the power to make or change policy. If you cannot resolve the matter, ask to talk with a supervisor.
- Read what is sent to you (including the fine print)! Carefully read all information sent to you. Many agency decisions may be appealed, but there are deadlines. Be sure to follow appeal rules and deadlines.

If you follow these suggestions and still cannot resolve your problem, then [contact us](#). We may be able to help.

Discrimination Complaint Denied

A parent said his son was denied services by a local daycare due to his disability, and the alleged discrimination was reported to the state agency responsible for reviewing civil rights complaints. After review of the parent's complaint, the agency declined to take the case. The complainant believed the agency's decision was retaliatory due to complaints he had made to the agency in the past.

Our office is empowered to look at an agency's process and procedures to

determine if it conformed with state laws and rules. However, due to the specialized nature of discrimination complaints, our office does not have the expertise to review the underlying evidence used in a case to determine if discrimination had in fact occurred, or if a final agency decision.

After reviewing the steps taken in this case, it appeared to us that state law and agency policies were followed. We informed the parent of our conclusion and advised him of his options relating to his original complaint that of discrimination against his son by a local daycare.

Medicaid

Individual CDAC Provider Enrollment Delays

One of the services available to most Home and Community-Based Services (HCBS) Waiver members is Consumer Directed Attendant Care (CDAC). A CDAC provider does things for a Medicaid member that he or she would normally do for themselves if they could, such as getting in and out of bed, getting dressed, cooking, cleaning, and shopping. CDAC providers must enroll with Iowa Medicaid before they can be paid for services they provide.

Our office recently received two complaints about the enrollment process for CDAC providers taking too long to complete. One potential CDAC provider applied in late March of 2024, while the other applied in September 2023 and again in August 2024. Because CDAC providers are in short supply, we made an inquiry to ensure that there was no systemic reason for the delay.

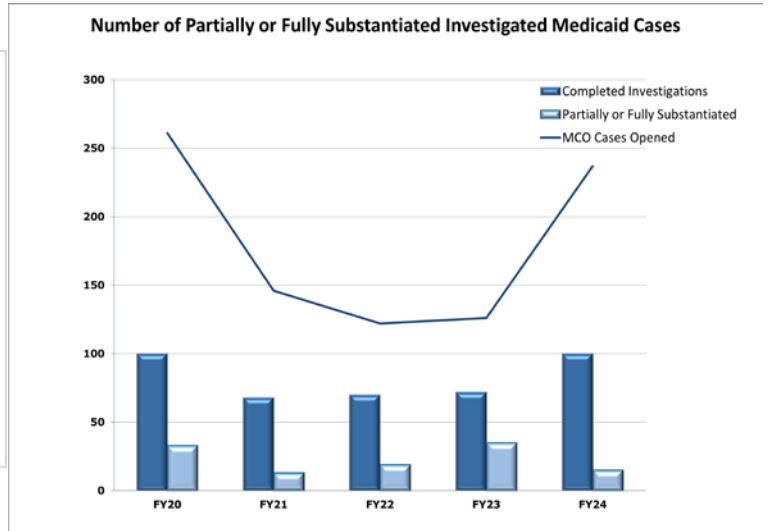
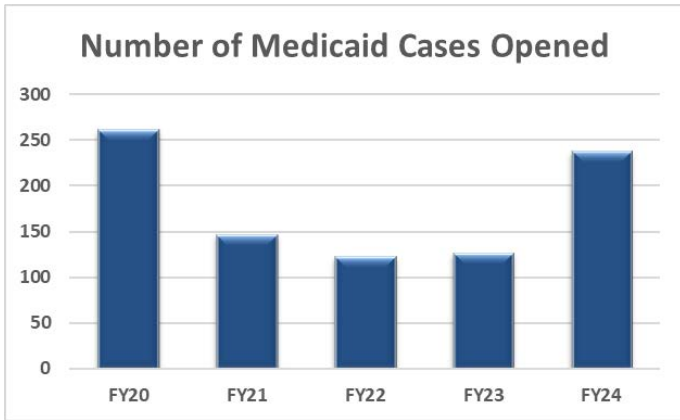
Part of the enrollment process includes a background check. The potential CDAC provider must consent to a criminal background check, a Sex Offender registry check, and a Child Abuse and Dependent Adult Abuse registry check.

When a background check reveals criminal convictions, or founded child or dependent adult abuse, a potential provider must fill out a form explaining each conviction or founded report. Evaluators may have more questions after they receive the form, and the provider is responsible for answering any questions and providing any requested documentation. The record-check evaluators decide whether or not the potential provider can work. Until the evaluators determine whether a provider can work, the enrollment process cannot continue.

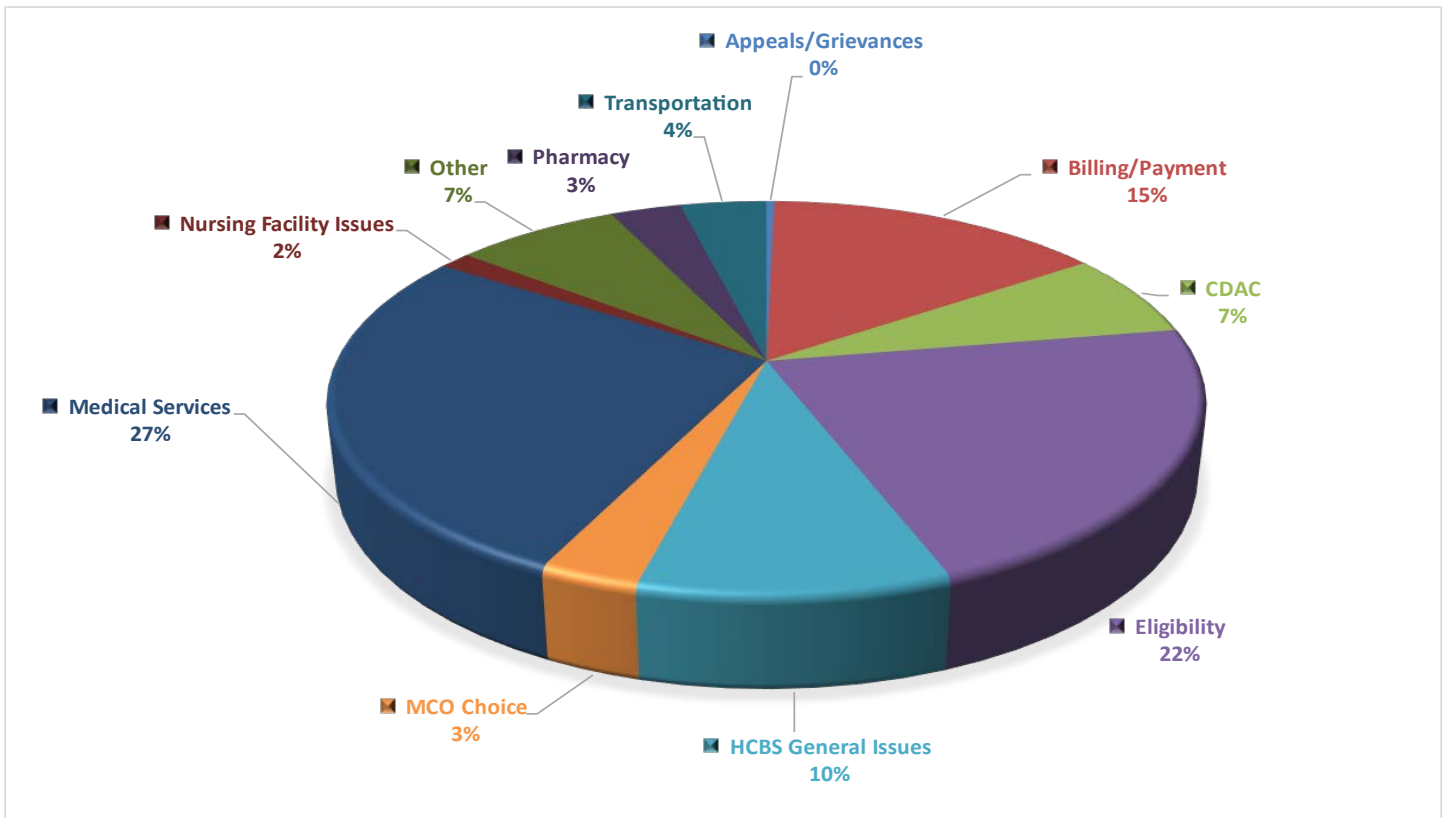
In both of the complaints to our office, the delays were due to the potential CDAC providers failing to provide requested information to the record-check evaluators. Both the potential providers believed the requested information was intrusive and not necessary. Our office explained that it is the agency's responsibility to ensure that Medicaid members are safe and that the information requested was necessary to fulfill that purpose.



Medicaid - Statistics



Medicaid Cases by Category



Medicaid Member Unable to Obtain Medications Due to an Agency Error

A mother emailed our office because her pharmacy said her daughter was showing as inactive with her Managed Care Organization (MCO). The pharmacy would not renew the medications unless she paid for them herself. She said the MCO confirmed that her daughter was showing as inactive. She told us the medications were very important because her daughter has a seizure disorder. The mother paid for some of the medications herself but could not afford the rest.

Our office reached out to both the MCO and the agency. We requested an expedited response due to the daughter's urgent situation. The MCO confirmed the child was still showing as inactive in their system. The agency responded that the child was eligible for Medicaid, but a systems error had caused her eligibility date to show for the next month rather than the current month. The agency

corrected the error quickly and the child was able to re-order her medications. The pharmacy refunded the child's mother for the medications she had purchased.



Medicaid Member Erroneously Cancelled from Medicaid



The mother of a Medicaid recipient filed an online complaint with our office after her daughter's Medicaid was cancelled. The mother stated that her daughter was on Supplemental Security Income (SSI), a federal program that pays disabled individuals without a work record a subsistence level income. She said the agency told her that a Medicaid review form was sent out but she said she did not receive it. Her daughter's Medicaid was cancelled for failure to return the form.

During the COVID-19 pandemic, Health Emergency Medicaid members were enrolled without an eligibility check and could not be removed from the program. In 2023, that policy was unwound and states began sending Medicaid members review forms to redetermine their eligibility. Those who were determined to be ineligible or who did not submit required information were cancelled from Medicaid. However, Medicaid members on SSI were not part of this group and were to be passively renewed.

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Our office contacted the agency to ask why the member was sent a review form and why she was cancelled since her income was SSI. The agency responded that the member was erroneously placed in a batch of people who were sent review forms and was erroneously cancelled when it was not returned.

The agency ensured that the member was reinstated to Medicaid and there was no lapse in her coverage. The Medicaid member was able to obtain her medications and resume her in-home medical services.

Erroneous Medicaid Enrollment Causes Estate Recovery Debt

A Des Moines woman contacted our office after she applied for Medicare and learned that she had apparently been covered by Medicaid since November of 2022. Before applying for Medicare, she said she had no idea that she had been placed on Medicaid. She said she had a Federal Marketplace plan at that same time and did not receive any Medicaid benefits. She contacted the agency after she received a letter from the Estate Recovery Program. She said the letter stated that her estate may owe money to the state because the state paid money to a Managed Care Organization on her behalf even though she did not receive any services. She said she was able to have Medicaid cancelled as of September 1, 2023, but an agency worker told her that Medicaid could not be retroactively canceled. At that point, she reached out to our office.

Our office learned that people are not allowed to have both Medicaid and Federal Marketplace insurance. If a person is eligible for the Federal Marketplace, they should not be eligible for Medicaid. We contacted the agency and attached information from our complainant showing that she was insured by a Federal Marketplace plan at the same time as she was on Medicaid.

The agency admitted that, due to worker error, our complainant was inadvertently



placed on Medicaid. The agency agreed to retroactively switch her to Fee for Service Medicaid. This meant that if she did not use Medicaid, there would be no Estate Recovery debt. The agency confirmed that, after the switch, her balance owed was zero. The agency's eligibility policy staff asked the worker's supervisor to review job aids and business processes with the employee who made the error. Additionally, the agency requested that the entire field services staff receive a refresher training on Estate Recovery. As a result of our office bringing the matter to the agency's attention, our complainant no longer has an Estate Recovery debt and staff training should make it less likely that a similar error will occur.

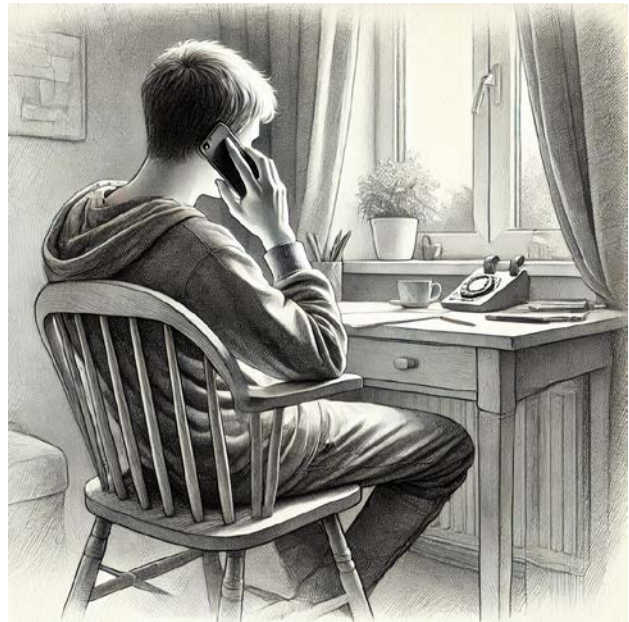


Long Hold Times on Agency Member Services Line

A man from northern Iowa called our office in July 2023, complaining that the wait time for reaching a Member Services representative for the agency overseeing managed health care in the state had increased. He told us that he called on different days and at different times but was on hold for 20 to 30 minutes each time. He said he hung up each time when no one answered within 20 to 30 minutes. He said previously, the longest he had been on hold was 12 to 15 minutes.

We contacted the agency and asked for data on the hold times and how many dropped or abandoned calls there were during July and August 2023. The agency admitted that the long hold times were a known issue and explained that it was likely due to a new Managed Care Organization beginning to provide services as well as the Dental Wellness Program open enrollment. The agency stated that it planned to add more call center staff.

The agency reported that the average hold time during July 2023 was 8 minutes and 3 seconds. The number of hang-ups or abandoned calls was 11,193. The August average hold time increased to 11 minutes and 31 seconds and abandoned calls



increased to 13,209. The agency admitted that the call center was not operating up to contract standards. The agency pledged to add and train staff in the call center.

We continued to receive call center data for the remainder of 2023 and early 2024. As the number of staff increased, hold times and abandoned calls decreased. By December 2023, average hold times were down to 11 seconds and in January 2024, average hold times were down to 8 seconds. We considered the complaint resolved because the call center was again operating within contract limits and our office was no longer receiving complaints about long hold times.

Information About Managed Care Organizations

The Ombudsman does not have jurisdiction over Managed Care Organizations (MCOs). We do have jurisdiction over the Department of Health and Human Services, which administers the Medicaid program. Before you make a complaint to us, we want to make sure the person you are complaining about has had an opportunity to review and resolve your complaint.

More information is available at the Ombudsman's website:

<https://ombudsman.iowa.gov/services/for-the-public/what-the-iowa-office-of-ombudsman-can-do/2/managed-medicaid>

Corrections and Jails

Discovered Mistake Leads to Immediate Release

A county jail inmate reached out to us with a claim that he was not given credit for days he had previously served towards his 14-day sentence.

We reviewed his records and found that the inmate was initially arrested and incarcerated for a few days, and a subsequent court order stated that the inmate was to serve the remaining days at the county jail.

However, we discovered that the jail did not credit the inmate with the days he previously served. We contacted the jail and pointed to the language of the court order and the jail agreed with our position. The inmate was given the credit and released that day.

Pliers Used to Remove Body Piercing in Jail

After being incarcerated for over a week, an inmate detailed an incident where two correctional officers had attempted to remove her lip piercing with pliers and string. After failed attempts to remove the piercing, the inmate said that string was stuck behind her piercing, and her lip became inflamed and swollen. The inmate was seen by medical professionals, who removed the string from behind her piercing, and prescribed antibiotics.

We reached out to the jail and were informed of the procedure for piercing removals. During intake, inmates are required to remove all jewelry unless it is implanted. If a piercing cannot be removed, then a supervisor will make the determination as to whether the inmate needs to be segregated for safety reasons.

In this case, jail administration admitted procedures were not followed, and updates were made to the policy. Now, if an inmate is unable to remove their piercing during intake, only medical staff can attempt to remove the piercing using appropriate medical devices and supplies.



Inmate Complaint Leads to Faster Victim Restitution

A prison inmate working for a private manufacturing company contacted our office after she noticed that prison officials were not forwarding as much of her pay toward victim restitution as she had requested. The inmate owed over \$100,000 in restitution. She had asked the agency for a 20 percent allocation but found only 15 percent was going to restitution.

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When we reviewed the inmate's pay stubs and the law, we spotted a larger issue. Instead of a mere 20 percent withholding, we discovered that more than half of the inmate's paycheck should have been going to victim restitution.

Iowa Code sections 904.809(5)(b) and (c) are very specific about how an inmate's private-sector pay should be distributed. After an initial deduction of 20 percent to the inmate, tax deductions, and 5 percent toward the state's victim-compensation fund, the law prioritizes where the remainder should go: first to child support, then to victim restitution. Only after an inmate worker's restitution is paid in full is the state allowed to keep any money left over. The agency's policy of deducting only a small percentage for restitution - and placing the remainder in its own account or in the state's general fund - appeared to us to be potentially problematic.

We met with agency officials to share our observations and our conclusion that all inmates' debts to child support and victim restitution should be exhausted before the state gets a share.

The agency was receptive to our analysis and changed its policy and practice after our meeting. Going forward, the victims of prison inmates who work for the private sector will receive restitution in larger amounts - and much faster. In the case of the inmate who contacted us, her victim restitution under the new policy would be fully paid in four and a half years instead of the 19 years it would have taken (assuming the inmate keeps her private-sector job). This represents a huge win for victims across the state, and we appreciate the agency's action to address the issue.

Prison Inmate was Deceased for 12 Hours Before Staff Noticed

Our office was contacted by a family member of a prison inmate who died suddenly in prison. The family member alleged that the inmate had not been provided proper medical care during the days leading up to his death and that his medical care over his entire incarceration of 38 years was inadequate. While these specific allegations were not substantiated, we discovered that the inmate had been deceased for 12 hours before the prison staff found the body.

We focused on staff's security and safety checks from the previous night to the moment the decedent was discovered. Security and safety checks (checks) are rounds made roughly every 30 minutes by prison staff to monitor for incidents of escape, assault, and medical and other emergencies. They are critical to the safety of the prison, staff, inmates, and the community. These checks are a core function of a correctional officers' duties. The checks are not only mandated by agency policy and procedures, but they are also required by federal guidelines.



Video footage showed the checks being completed by prison staff throughout the night. During those 12 hours, at least six different staff walked by the decedent's cell a total of 28 times. We counted 23 times that staff either did not look into the cell or pause long enough to assure safety inside the cell.

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Three times, the checks were made significantly beyond the required 30 minutes. Those checks were completed 91, 54, and 59 minutes after the previous check.

We provided our findings and suggestions to the prison warden and administrators of the agency responsible for corrections in the state. We suggested that staff make irregular 30-minute checks, during which they should observe flesh and movement from each inmate, which is a standard practice in many correctional environments. We also suggested that staff verify that inmates report to their work assignments and take steps to locate inmates when they are more than 15 minutes late.

While an agency administrator initially questioned the need to see flesh and movement during cell checks, the administrator ultimately told us, “What you are suggesting is already in procedures, which staff review and are reminding regularly.”

However, reviews of other incidents since the death in this case have led us to believe that inadequate cell checks are still occurring at multiple correctional facilities throughout the state. As a result, we identified this as an important issue to work with the agency in the coming months.

Prison Inmate Reprimanded for Contacting a Reporter

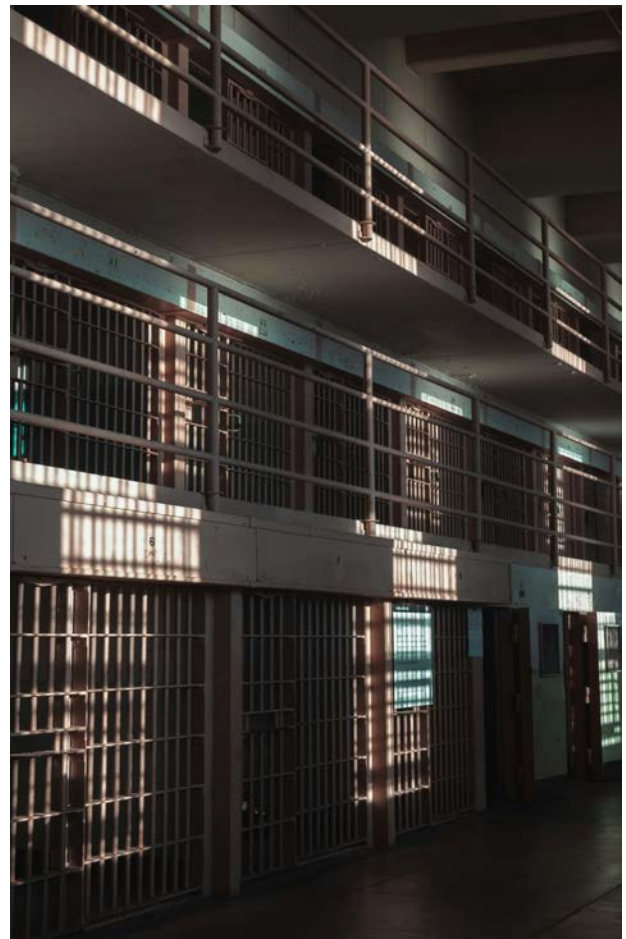
“Am I or am I not allowed to write the media as I see fit?” A prison inmate asked this of our office after he had been found guilty of a disciplinary report for contacting a reporter without the warden’s consent.

We reviewed both the report and the prison policy. The policy states that correspondence between the media and an inmate shall be guided by the same rules for general correspondence, but it does not say that an inmate must have permission to contact the media.

An administrative law judge (ALJ) reviewed the case and pointed out that, while the warden must grant permission for any media interviews, a letter sent to a reporter is not an interview. For that reason, the ALJ determined the inmate’s conduct did not appear to violate the provisions of the policy. Despite that, the ALJ found the inmate guilty and reduced the major report to a minor report.

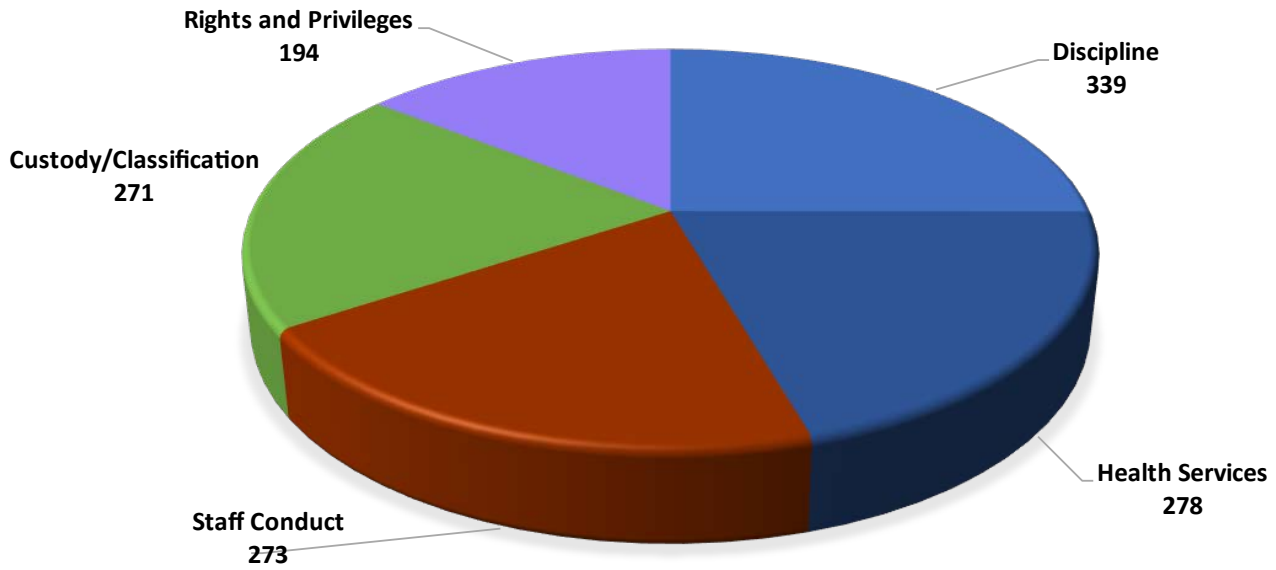
We expressed our concerns to the deputy warden that there was no legitimate violation stated in the report and, for that reason, we suggested the report be dismissed altogether.

A few days later, the deputy warden said he had “dismissed and expunged the report.”

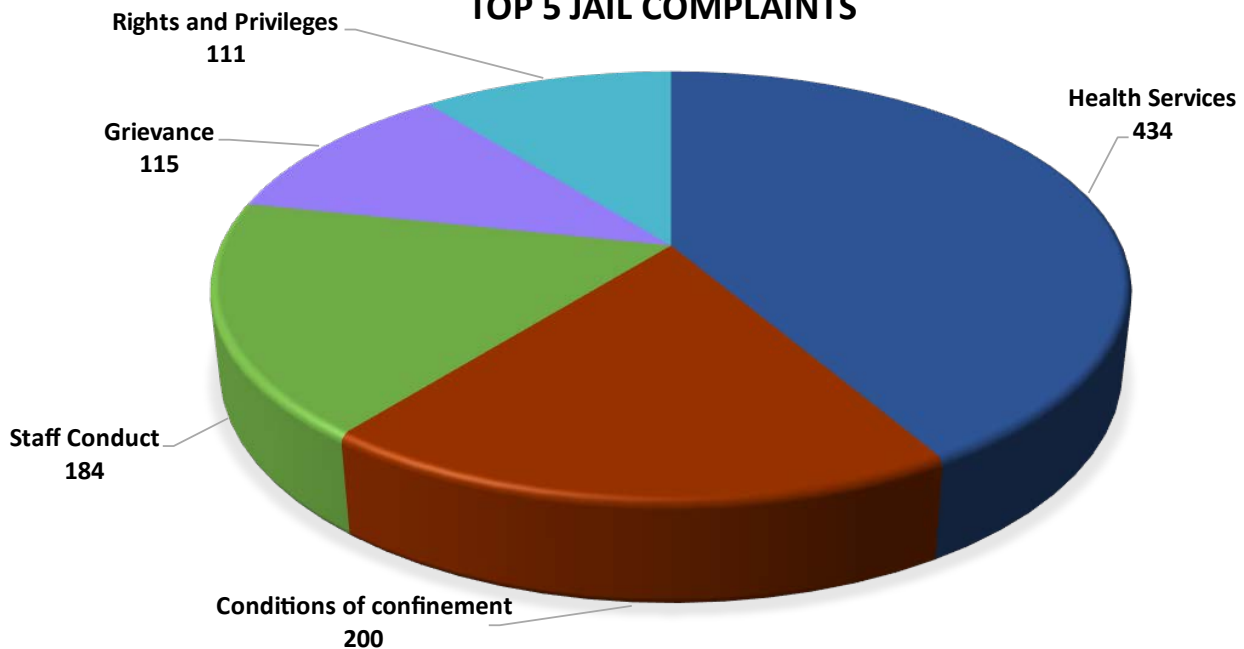


Corrections and Jails - Statistics

TOP 5 PRISON COMPLAINTS

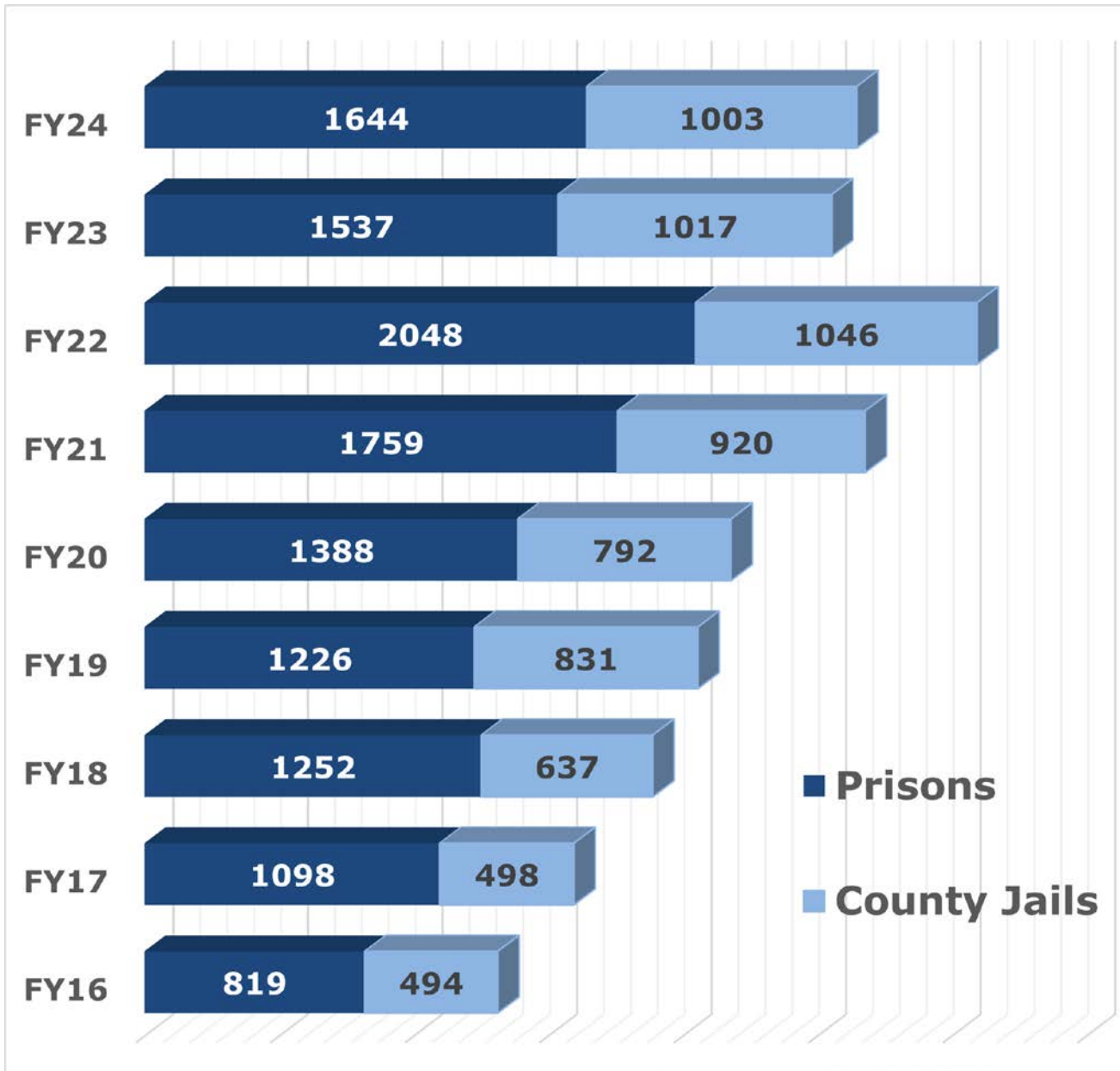


TOP 5 JAIL COMPLAINTS



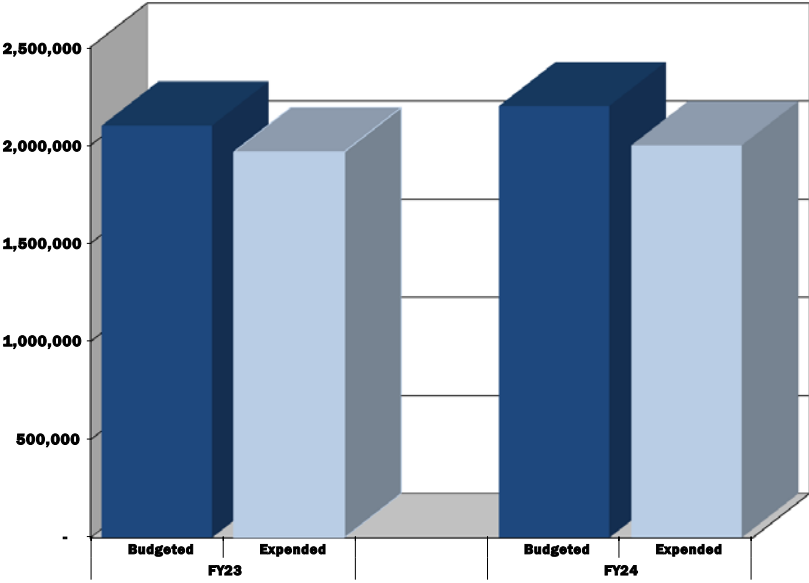
Corrections and Jails - Statistics

Number of Prison and County Jail Complaints

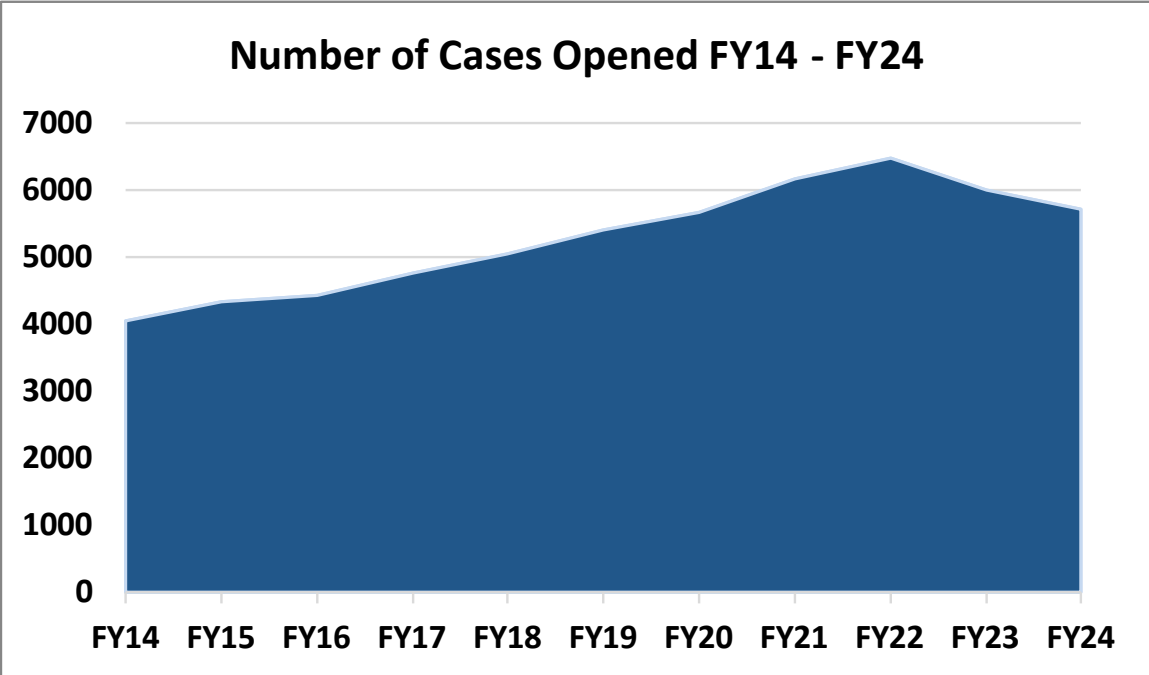


Office of Ombudsman FY23 and FY24 Financial Information

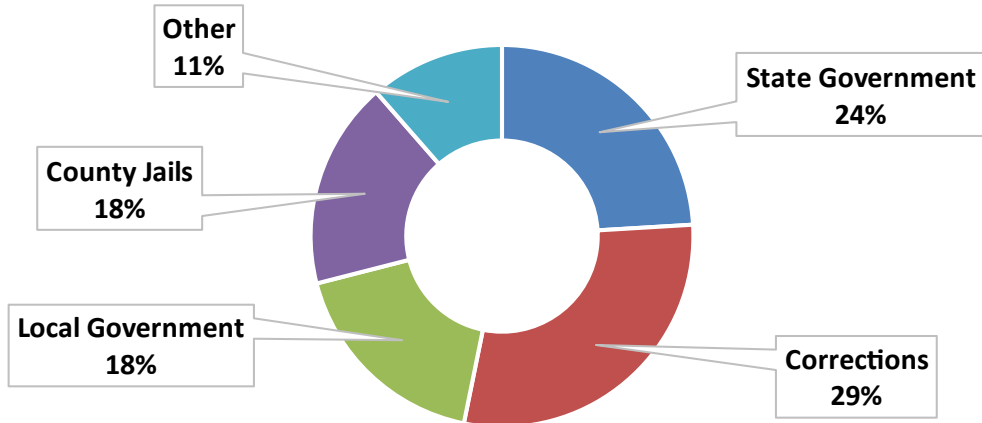
Presented to meet the requirement that state government annual reports to the Legislature include certain financial information.



Case Statistics



Subjects of Cases



What we can investigate:

- City governmental departments
- County government departments
- Most state agencies
- Public school districts
- Intergovernmental organizations
- Government contractors doing child-welfare or juvenile-justice work
- Prisons, jails and work-release facilities

What we cannot investigate:

- The Governor and staff
- The Legislature and staff
- Judges, court clerks and judicial staff
- Most public employee-employer disputes
- Federal government
- Private entities or businesses

Agency	Jurisdictional Complaints	Jurisdictional Information Requests	Non- Jurisdictional Cases	Non- Jurisdictional Information Requests	Special Projects	Total	Percentage of Total
State Government							
Administrative Services	6	4	0	0	0	10	0.17%
Aging	6	81	0	0	0	87	1.52%
Agriculture & Land Stewardship	0	0	0	0	0	0	0.00%
Attorney General/Department of Justice	8	3	0	0	0	11	0.19%
Auditor	2	0	0	0	0	2	0.03%
Blind	1	0	0	0	0	1	0.02%
Civil Rights Commission	0	0	0	0	0	0	0.00%
College Aid Commission	1	0	0	0	0	1	0.02%
Commerce	12	5	0	0	0	17	0.30%
Corrections	1577	63	0	0	4	1644	28.77%
County Soil & Water Conservation Districts	0	0	0	0	0	0	0.00%
Cultural Affairs	0	0	0	0	0	0	0.00%
Drug Control Policy	0	0	0	0	0	0	0.00%
Economic Development	0	0	0	0	0	0	0.00%
Education	1	0	0	0	0	1	0.02%
Educational Examiners Board	0	0	0	0	0	0	0.00%
Ethics and Campaign Disclosure Board	0	0	0	0	0	0	0.00%
Executive Council	0	0	0	0	0	0	0.00%
Human Rights	0	0	0	0	0	0	0.00%
Human Services	615	35	0	0	1	651	11.39%
Independent Professional Licensure	2	0	0	0	0	2	0.03%
Inspections, Appeals & Licensing	56	7	0	0	1	64	1.12%
Institute for Tomorrow's Workforce	0	0	0	0	0	0	0.00%
Iowa Communication Network	0	0	0	0	0	0	0.00%
Iowa Finance Authority	1	0	0	0	0	1	0.02%
Iowa Lottery	0	0	0	0	0	0	0.00%
Iowa Public Employees Retirement System	0	0	0	0	0	0	0.00%
Iowa Public Information Board	3	1	0	0	0	4	0.07%
Iowa PBS	0	0	0	0	0	0	0.00%
Law Enforcement Academy	1	0	0	0	0	1	0.02%
Management	1	1	0	0	0	2	0.03%
Municipal Fire & Police Retirement System	0	0	0	0	0	0	0.00%
Natural Resources	7	1	0	0	0	8	0.14%
Office of Chief Information Officer	0	0	0	0	0	0	0.00%
Office of Ombudsman	4	32	0	0	7	43	0.75%
Parole Board	18	2	0	0	0	20	0.35%
Professional Teachers Practice Commission	0	0	0	0	0	0	0.00%
Public Defense	0	0	0	0	0	0	0.00%
Public Employment Relations Board	0	0	0	0	0	0	0.00%
Public Safety	10	2	0	0	0	12	0.21%
Regents	7	1	0	0	0	8	0.14%
Revenue & Finance	30	0	0	0	0	30	0.52%
Secretary of State	6	0	0	0	0	6	0.10%
State Fair Authority	1	0	0	0	0	1	0.02%
State Government (General)	281	46	0	0	0	327	5.72%
Transportation	34	0	0	0	0	34	0.59%
Treasurer	0	0	0	0	0	0	0.00%
Veterans Affairs Commission	5	0	0	0	0	5	0.09%
Workforce Development	40	4	0	0	0	44	0.77%
State Government Non-Jurisdictional							
Governor	0	3	6	2	0	11	0.19%
Judiciary	0	1	144	21	0	166	2.90%
Legislature and Legislative Agencies	0	2	7	2	0	11	0.19%
Governmental Employee-Employer	0	0	16	2	0	18	0.31%
Local Government							
City Government	577	33	0	0	0	610	10.67%
County Government	1316	29	0	0	1	1346	23.55%
Metropolitan/Regional Government	16	0	0	0	0	16	0.28%
Community Based Correctional Facilities/Programs	0	0	0	0	0	0	0.00%
Schools & School Districts	42	6	0	0	0	48	0.84%
Special Projects	0	0	0	0	6	6	
Non-Jurisdictional							
Non-Iowa Government	0	27	88	12	0	127	2.22%
Private	0	12	283	24	0	319	5.58%
Totals	4687	401	544	63	20	5715	100.00%

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designated state holidays.



Robert D. Ray

Governor of Iowa

First Inaugural Message

January 16, 1969

*“As a step in combatting the perilous impersonality of government and in giving citizens a renewed sense of direct participation in their government, the **office of ombudsman should be established**, subject to appointment by the Governor and confirmation by the Senate. The concept has a 160-year history under consideration in more than half of our fifty states. An ombudsman would serve as a channel for redressing individual grievances which are beyond the reach of present court procedures and leave many people voiceless. Additionally, the ombudsman would analyze grievances and seek better administration of public agencies. He would improve the performance of legislative functions through identification of recurring problems which may require corrective legislation. Finally, experience has shown that an ombudsman improves the morale of public servants and increases public confidence in them, by ventilating unfounded criticism and rejecting unfounded complaints.”*