

CHAPTER 5
UNIFORM RULES

[Prior to 5/4/88, see Appeal Board, State[60] Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/17/30

The board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

[ARC 9699C, IAB 11/12/25, effective 12/17/25]

543—5.1(17A,22) Fair information practices. The board hereby adopts, with the following exceptions and amendments, the uniform rules on agency procedure relating to fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

5.1(1) In lieu of the words “(official or body issuing these rules)”, insert “board”.

5.1(2) In lieu of the word “agency”, insert “board”.

5.1(3) In lieu of the words “(insert agency head)”, insert “chairperson of the board”.

5.1(4) In lieu of the words “(insert agency name and address)”, insert “the board at the board's mailing address”.

5.1(5) In lieu of the words “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays”.

5.1(6) In lieu of the words “(specify time period)”, insert “30 minutes”.

5.1(7) In lieu of the words “(An agency wishing to deal with search fees authorized by law should do so here.)”, delete the statement.

5.1(8) In lieu of the words “(designate office)”, insert “the board's executive secretary”.

5.1(9) In lieu of the words “(and, where applicable, the time period during which the record may be disclosed)”, insert “and, where applicable, the time period during which the record may be disclosed”.

5.1(10) In lieu of the words “(Additional requirements may be necessary for special classes of records.)”, insert “Additional obligations may be necessary for special classes of records”.

5.1(11) In lieu of the words “(Each agency should revise its forms to provide this information.)”, delete the statement.

[ARC 9699C, IAB 11/12/25, effective 12/17/25]

543—5.2(17A,22) Additional fair information practices—uses and disclosures of information.

5.2(1) *General.* Board records are open for public inspection and copying unless otherwise provided by applicable law.

5.2(2) *Uses and disclosures of individually identifiable information.* To the extent allowed by law, uses or disclosures of confidential records may occur with or without the consent of the subject. Types of uses or disclosures that occur without the subject's consent include but are not necessarily limited to the following:

a. Use or disclosure for a routine use in relation to the work of the board, as long as such use or disclosure is made subject to the same confidentiality obligations imposed on the board.

b. Use or disclosure for statistical research purposes or reporting as long as the information is deidentified in advance.

c. Use or disclosure for civil or criminal law enforcement activities to the extent authorized by law.

d. Disclosure to an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual.

e. Disclosure to the legislative services agency under Iowa Code section 2A.3.

f. Use or disclosure in the course of employee disciplinary proceedings.

g. Use or disclosure in response to a court order or subpoena.

5.2(3) *Complaints to public officials.* A letter from a subject of a confidential record held by the board to a public official that seeks the official's intervention on behalf of the subject in a matter that involves the board will, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

5.2(4) *Release to subject.* The subject of a confidential record may submit a request to review confidential records about that person. However, the board need not release the record to the subject to the extent that the record is confidential under applicable law. Records that may be declared confidential include but are not necessarily limited to records that are predecisional draft documents, peace officers' investigative reports, records that are subject to the attorney/client privilege, and records that are subject to the attorney work product doctrine. When a record has multiple identifiable subjects with interest in the confidentiality of the record, the board may take reasonable steps to protect confidential information relating to another subject.

[ARC 9699C, IAB 11/12/25, effective 12/17/25]

543—5.3(17A) Petition for rulemaking. The board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

5.3(1) In lieu of the word "agency", insert "board".

5.3(2) In lieu of the words "(designate office)", insert "board's mailing address".

5.3(3) In lieu of the phrase "designate official by full title and address", insert "chairperson of the board at the board's mailing address".

[ARC 9699C, IAB 11/12/25, effective 12/17/25]

543—5.4(17A) Declaratory orders. The board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

5.4(1) In lieu of the words "designate agency", insert "board".

5.4(2) In lieu of the words "designate office", insert the "board's mailing address".

5.4(3) In lieu of the words "(An agency may wish to describe here a simplified alternative petition form that would be more appropriate for some members of its clientele in light of their particular circumstances.)", delete this sentence.

5.4(4) In lieu of the words "Within ___ days (15 or less)" found in rule X.2, insert "Within 15 days".

5.4(5) In lieu of the words "within ___ days of the filing of a petition" in rule X.3(1), insert "within 15 days of the filing of a petition".

5.4(6) In lieu of the words "(after time for notice under X.2(17A))", insert "15 days following receipt of notice from the board that a petition has been filed".

5.4(7) In lieu of the words "(agency name)", insert "board".

5.4(8) In lieu of the words "(specify office and address)", insert "the board at the board's mailing address".

5.4(9) In lieu of the words "(designate agency head)", insert "the chairperson of the board".

5.4(10) In lieu of the words "(uniform rule on contested cases X.12(17A))" and "(contested case uniform rule X.2(17A))", insert "uniform rule on contested cases X.12".

5.4(11) In lieu of the sentence "(The agency may specify any provisions of Iowa Code sections 17A.10 through 17A.18 on contested case proceedings to apply to proceedings for declaratory orders.)", delete the statement.

5.4(12) In lieu of the sentence "(Where the agency's experience enables it to define in advance other specific reasons for refusing to issue a declaratory order, it should include them here.)", delete the statement.

5.4(13) In lieu of the phrase "(who consent to be bound)", insert "who consent to be bound".

[ARC 9699C, IAB 11/12/25, effective 12/17/25]

543—5.5(17A) Board procedure for rulemaking. The board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

5.5(1) In lieu of the words “(commission, board, council, director)”, insert “board”.

5.5(2) In lieu of the word “agency”, insert “board”.

5.5(3) In lieu of the words “(specify time period)”, insert “one calendar year”.

5.5(4) In lieu of the words “(identify office and address)”, insert “the executive secretary at the board's mailing address”.

5.5(5) In lieu of the words “(designate office and telephone number)”, insert “the executive secretary at 515.281.3078”.

5.5(6) In lieu of the words “(designate office)”, insert “the board's mailing address”.

5.5(7) In lieu of the words “(specify the office and address)”, insert “the board's mailing address”.

5.5(8) In lieu of the words “(agency head)”, insert “chairperson of the board”.

5.5(9) In lieu of the words “(Alternatively, the agency can maintain the file indefinitely.)” and “(*NOTE: Alternatively to X.13(2)“j” and the amendment of X.13(4), an agency could keep a separate file of significant written criticisms to rules and maintain those for five years.)”, delete the statements.

5.5(10) In lieu of the words “(at actual cost)”, insert “at actual cost”.

[ARC 9699C, IAB 11/12/25, effective 12/17/25]

These rules are intended to implement Iowa Code chapter 17A.

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