

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

The following rules are intended to align the department's statutory inspection duties under Iowa Code sections 356.36 and 356.43 with the statewide uniform contested case procedures by establishing the prehearing process for notices of noncompliance and informal settlements.

[ARC 0328D, IAB 6/10/26, effective 6/30/26]

201—2506.32(17A,356) Notice of noncompliance.

2506.32(1) When the director or director's designee of the department of corrections determines that an agency or facility accredited by the department is not in compliance with state standards, or when an order of closure is issued, the appropriate administrator shall be notified of the noncompliance status. The notice shall specify:

- a. The statute(s) and any rules(s) alleged to have been violated.
- b. The deficiencies cited.
- c. The time period allowed for submission of an acceptable plan of compliance if submission of a plan is permitted.

2506.32(2) The administrator of the facility or agency may submit the plan of compliance within the appropriate time limitation or may request a hearing pursuant to rule 201—2506.34(17A,356).

[ARC 0328D, IAB 6/10/26, effective 6/30/26]

201—2506.33(17A,356) Informal settlement. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

[ARC 0328D, IAB 6/10/26, effective 6/30/26]

201—2506.34(17A,356) The right to request hearing. A hearing will be granted to any agency or facility aggrieved by action of the department when the right to a hearing is granted by the state or federal law or constitution, except as limited herein. A hearing will not be granted when a state or federal law or regulation provides for a different forum for appeals. A prematurely filed appeal may be dismissed.

[ARC 0328D, IAB 6/10/26, effective 6/30/26]

201—2506.35(17A,356) Order for hearing. Upon determination that a plan of compliance is not sufficient to effectuate compliance, or upon request by the agency or facility pursuant to rule 201—2506.34(17A,356), the department shall issue an order fixing the time and place for hearing pursuant to rule 201—2506.5(17A).

[ARC 0328D, IAB 6/10/26, effective 6/30/26]

These rules are intended to implement Iowa Code chapter 17A and sections 356.36 and 356.43.

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