

CHAPTER 5
DECLARATORY ORDERS

[Ch 5, 1973 IDR, renumbered as [770] Ch 79]

[Prior to 7/1/83, Social Services[770] Ch 5]

[Prior to 2/11/87, Human Services[498]]

The department 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. Every instance that lists "designate agency" shall be read as the department of health and human services.
[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—5.1(17A) Petition for declaratory order. In lieu of the words "designate office" insert "compliance division, at the department's address".

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—5.2(17A) Notice of petition. The department shall have 15 days after receipt to give notice.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—5.3(17A) Intervention.

5.3(1) Nondiscretionary intervention. Fifteen days shall be the time frame for a person to file for an intervention.

5.3(3) Filing and form of petition for intervention. In lieu of the words "designate office" insert "compliance division, at the department's address".

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—5.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to the compliance division at the department's address or at compliancerules@idph.iowa.gov.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—5.6(17A) Service and filing of petitions and other papers.

5.6(2) Filing—when required. In lieu of the words "specific office and address" insert "compliance division, at the department's address or compliancerules@idph.iowa.gov" and in lieu of "agency name" insert "department".

5.6(3) Method of service, time of filing, and proof of mailing. Method of service, time of filing, and proof of mailing shall be as provided by X.12(17A) of the contested cases segment of the uniform rules on agency procedure published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—5.8(17A) Action on petition.

5.8(1) Time frames for action. Within 30 days after receipt of a petition for a declaratory order, the department shall take action on the petition as required by Iowa Code section 17A.9(5).

5.8(2) Date of issuance of order. The date of issuance of an order or of a refusal to issue an order is the date of mailing of the order or refusal or date of delivery if service is by other means unless another date is specified in the order.

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