

701—1001.8(123) Delisting. Listed products that do not meet sales guidelines established by the director may be delisted. The frequency of delisting is determined by the director.

1001.8(1) Notification. The director must notify suppliers of the decision to delist a product. The suppliers will be notified of the decision in writing electronically or in a manner prescribed by the director.

1001.8(2) Appeal to the director.

a. A supplier may appeal the delisting of a product to the director. A notice of appeal needs to be filed within 30 calendar days of the date of delisting notification.

b. A notice of appeal shall specify the findings or conclusions to which exception is taken, the relief sought, and the grounds for relief.

c. A notice of appeal shall be considered filed at the time it is received by the director.

d. The director shall affirm, reverse, or modify the delisting and shall notify the supplier of the decision in writing.

e. The director's decision constitutes final agency action for the purposes of Iowa Code chapter 17A.

1001.8(3) Removal of delisted products.

a. Delisted products shall be removed from the department's warehouse by the supplier or by the supplier's agent within a time frame established by the director.

b. A supplier may authorize the department to destroy a delisted product in lieu of removal of the product by the supplier from the department's warehouse.

c. New product quotes submitted by a supplier will not be considered by the department until all of the supplier's delisted product has been removed from the department's warehouse.

1001.8(4) Resubmission of a delisted product for listing. If a product in a permanent listing classification is delisted, a new product quote for the product may be submitted not less than six months after the date the product was removed from the warehouse.

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