

7—2506.31(17A) Emergency adjudicative proceedings.

2506.31(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare and, consistent with the Constitution and other provisions of law, the agency may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18A. The order must be in writing and may suspend a license in whole or in part, order that any continuing activity stop, order someone to act, or require other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the agency must consider factors such as:

- a. Whether there has been a sufficient factual investigation to ensure that it is proceeding on the basis of reliable information;
- b. Whether the specific circumstances that pose immediate danger to public health, safety, or welfare have been identified and determined to be continuing;
- c. Whether the person subject to the proposed emergency adjudicative order may continue to engage in other activities without posing immediate danger to public health, safety, or welfare;
- d. Whether imposition of monitoring obligations or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and
- e. Whether the specific action contemplated by the agency is necessary to avoid immediate danger.

2506.31(2) *Issuance of order.*

- a. An emergency adjudicative order must contain findings of fact and conclusions of law to justify the determination of an immediate danger in the agency's decision to take immediate action.
- b. The emergency adjudicative order will be immediately delivered to persons obligated to comply with the order by one or more of:
 - (1) Personal delivery;
 - (2) First-class or certified mail to the last address on file with the agency; or
 - (3) Fax. Fax may be used as the sole method of delivery if the person to whom the order applies has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.
- c. To the practicable degree, the agency is obligated to select the procedure for providing written notice that best ensures prompt, reliable delivery.

2506.31(3) *Oral notice.* Unless the emergency adjudicative order is served by personal delivery on the same day that it is issued, the agency is obligated to make reasonable immediate efforts to contact the people to whom the order applies by telephone.

2506.31(4) *Completion of proceedings.*

- a. After the issuance of an emergency adjudicative order, the agency will proceed as quickly as feasible to complete any proceedings that would be needed if the matter did not involve an immediate danger.
- b. An emergency adjudicative order must include, or be accompanied by, a notice of the date by which agency proceedings are scheduled for completion. When an agency has issued an emergency adjudicative order, the agency or a presiding officer may continue contested case proceedings only in compelling circumstances upon application in writing.

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