ARKANSAS REGISTER



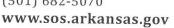
Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**

Secretary of State

John Thurston

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For Office Use Only:		
Effective Date	Code Number	
Name of Agency Department of Human	n Services	
Department Office of Chief Counsel		,
Contact Mac E. Golden	E-mail_ <mark>Mac.E.Golden@dhs.arkansas.gov</mark> _Phone	501.320.6383
Statutory Authority for Promulgating Rul	es Arkansas Code §§ 20-76-201 and 2	5-15-206.
Rule Title: Declaratory Orders	5	
Intended Effective Date (Check One)		Date
Emergency (ACA 25-15-204)	Legal Notice Published	06/26/2022
10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	07/25/2022
Other 10/01/2022 (Must be more than 10 days after filing date.)	Reviewed by Legislative Council	09/16/2022
	Adopted by State Agency	10/01/2022
Electronic Copy of Rule e-mailed from: (Require	ed under ACA 25-15-218)	
Toni Roy toni.roy@	@dhs.arkansas.gov	09/16/2022
	E-mail Address	Date
CERTIFICATI	ON OF AUTHORIZED OFFICER	
I Hereby Certi In Compliance with the Ar	fy That The Attached Rules Were Adopted kansas Administrative Act. (ACA 25-15-201 et. seq.)	
an compliance with the in	Ransas Administrative Act. (ACA 25-15-201 et. seq.)	
	for the second s	
(504) 202 247	Signature	
(501) 396.6456 Phone Number	brett.hays@dhs.arkansas.gov	
I none willing	E-mail Address DHS Deputy Chief Counsel	
	Title	
	09/16/2022	
	Date	

Declaratory Orders

A. Purpose and Use of Declaratory Orders

A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has enforcement authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition for declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

B. The Petition

The process for obtaining a declaratory order is begun by filing with the Arkansas Department of Human Services-Office of Chief Counsel a petition that provides the following information:

- 1. The name, address, telephone number, and email of the petitioner;
- 2. The name, address, telephone number, and email of the attorney of the petitioner;
- 3. The statutory provision, agency rules, or agency order on which the declaratory order is sought;
- 4. Statements of fact setting forth the petitioner's particular set of circumstances that the petitioner alleges may be substantially affected by the statute, rule, or order;
- 5. A description of how the statute, rule, or order may substantially affect the petitioner's particular set of circumstances;
- 6. The question or issue on which the petitioner seeks a declaratory order;
- 7. The signature of the petitioner or petitioner's attorney; and
- 8. The date.

C. Agency Disposition

- 1. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the agency will render a final order denying the petition or issuing a declaratory order.
- 2. The petitioner may request administrative reconsideration of a declaratory order. A basis must be provided for the request and the petitioner may submit information or documentation for consideration by the agency.
- 3. A request for administrative reconsideration must be submitted to the agency within thirty (30) days of issuance of the declaratory order. The agency will render a decision within thirty (30) days of the filing of the request for administrative reconsideration.
- 4. Requests for administrative reconsideration must be mailed to:

Arkansas Department of Human Services Office of Chief Counsel P.O. Box 1437-Slot S260 Little Rock, AR 72203-1437