

561—10.2(17A,455A) Authority. A waiver from rules adopted by the department may be granted in accordance with this chapter if:

10.2(1) The department has exclusive rule-making authority to promulgate the rule from which waiver is requested or has final decision-making authority over a contested case in which a waiver is requested; and

10.2(2) The waiver is consistent with any applicable statute, constitutional provision, or other provision of law. In addition, this subrule does not authorize the department to waive any requirement created or duty imposed by statute.

[ARC 5516C, IAB 3/10/21, effective 4/14/21]