

561—10.5(17A,455A) Burden of persuasion. The burden of persuasion rests with the person who petitions the department for the waiver of a rule. Each petition for a waiver shall be evaluated by the department based on the unique, individual circumstances set out in the petition. A waiver, if granted, shall be drafted by the department so as to provide the narrowest exception possible to the provisions of the rule. The department may place any condition on a waiver that the department finds desirable to protect the public health, safety, and welfare. A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable, and, in any event, shall not exceed one year in accordance with the provisions of Iowa Code section 455B.143. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the department, a waiver may be renewed if the department finds all of the factors set out in rule 561—10.4(17A,455A) remain valid.

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