

261—199.2(17A,15) Director/board discretion. The decision on whether the circumstances justify the granting of a waiver shall be made at the discretion of the director upon consideration of all relevant factors. The director may refer a petition for waiver to the board for decision. In the case of petition referred to the board by the director, the board shall make the decision on whether the circumstances justify the granting of a waiver, upon consideration of all relevant factors.

199.2(1) *Criteria for waiver.* The director/board may, in response to a completed petition, grant a waiver from a rule, in whole or in part, as applied to the circumstances of a specified situation if the director/board finds each of the following:

- a.* Application of the rule to the person at issue would result in undue hardship to that person; and
- b.* Waiver on the basis of the particular circumstances relative to that specified person would be consistent with the public interest; and
- c.* Waiver in the specific case would not prejudice the substantial legal rights of any person; and
- d.* Where applicable, substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

In determining whether waiver should be granted, the director/board shall consider whether the underlying public interest policies and legislative intent of the rules are substantially equivalent to full compliance with the rule. When the rule from which a waiver is sought establishes administrative deadlines, the director/board shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all licensees, grantees and constituents.

199.2(2) *Special waiver rules not precluded.* These uniform waiver rules shall not preclude the director/board from granting waivers in other contexts or on the basis of other standards if a statute or other rule authorizes the director/board to do so, and the director/board deems it appropriate to do so.

[ARC 5692C, IAB 6/16/21, effective 7/21/21]