

BEFORE THE IOWA MASSAGE THERAPY BOARD

<p>IN THE MATTER OF THE PETITION FOR WAIVER BY:</p> <p>BRIDGET LUCILLE FOLEY</p> <p>Petitioner.</p>	<p style="text-align: center;">ORDER DENYING WAIVER</p>
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Pursuant to Iowa Code Section 17A.9A and Iowa Administrative Code section 481-chapter 821, the Iowa Board of Massage Therapy (“Board”) makes the following ruling on the Petition for Waiver submitted by Bridget Foley (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner seeks reinstatement of her massage therapy licensure.
2. In 2010, the State of Iowa issued Petitioner a license to practice massage.
3. In 2012, the State of Minnesota issued Petitioner a license to practice massage, and Petitioner practiced massage therapy in Minnesota for two (2) years.
4. In 2014, the State of Illinois issued Petitioner a license to practice massage, and Petitioner practiced massage in Illinois from 2014 until December 31, 2022, when Petitioner’s Illinois license to practice massage expired.
5. Petitioner has not practiced massage in another jurisdiction for the two (2) years immediately prior to submitting the application, nor has she taken any of the following examinations within two (2) years of submitting her application for reactivation: The National Certification Examination for Therapeutic Massage, The National Certification Examination for Therapeutic Massage and Bodywork, The National Examination for States Licensing, or The Massage and Bodywork Licensing Examination as required by Iowa Administrative Code section 481-821.9(2)(b)(2).
6. On December 12, 2024, Petitioner filed a Petition for Waiver with the Board, seeking a waiver due to undue hardship from the practice or examination requirements of Iowa Administrative Code Section 481-821.9(2)(b)(2).

SUMMARY OF LAW

7. Pursuant to Iowa Administrative Code section 481-chapter 6 (*see also* Iowa Code section 17A.9A), the Board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the Board finds, based on clear and convincing evidence, all of the following:

- a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
- b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
- c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and
- d. 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.

8. “The burden of persuasion rests with the [Petitioner] for the waiver of a rule.” Iowa Code section 17A.9A and Iowa Administrative Code § 481-6.11(2).

PETITIONER HAS NOT MET THE CRITERIA TO WAIVE RULE 481-821.9(2)(b)(2)

9. Upon review of the Petition, the Board finds that Petitioner has not satisfied all of the four criteria for waiver of the examination requirement in rule 481-821.9(2)(b)(2), specifically that no undue hardship exists.

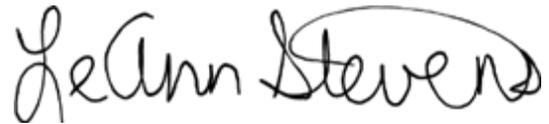
10. Petitioner states in her waiver request that taking one of the four (4) approved national tests would constitute an undue hardship for Petitioner. The Board does not agree with Petitioner’s analysis, and finds retaking a test does not constitute an undue hardship on the person for whom the waiver is requested.

11. The Board finds the experience and exam requirements to be imperative in the protection of the public. Petitioner has not shown by clear and convincing evidence that an undue hardship exists in the requirement that Petitioner retake a national exam, and the Board therefore denies Petitioner’s request for waiver in reactivation of Petitioner’s license to practice massage therapy.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of subrule 481-821.9(2)(b)(2).
is hereby **DENIED**.

Issued February 10 , 2025

A handwritten signature in black ink that reads "LeAnn Stevens". The signature is written in a cursive style with a large, sweeping loop over the "n" in "Stevens".

LeAnn Stevens, Chair
Iowa Massage Therapy Board