

**BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA**

<p><b>In the Matter of the Petition for Waiver by:</b></p> <p><b>Walt Wang Registration #: 1460178</b></p> <p><b>Petitioner.</b></p>	<p><b>ORDER GRANTING WAIVER REQUEST</b></p>
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code (“IAC”) 657—34, the Iowa Board of Pharmacy (“Board”) makes the following ruling on the Petition for Waiver submitted by Walt Wang (“Petitioner”).

**FINDINGS OF FACT**

1. Petitioner is seeking to obtain an Iowa pharmacist license.
2. Petitioner states in his Petition for Waiver that he seeks to waive 657 IAC 2.4(2), which states:

Licensure by Examination. Timeliness: To be eligible for a license by examination, the candidate shall pass all components in Iowa within a period of one year beginning with the date the candidate passed an initial component. A candidate may request waiver from this deadline pursuant to the procedures and requirements of 657 IAC 34.
3. Petitioner is specifically requesting that the Board extend the timeframe to allow the MPJE passing results he received to be valid through January 31, 2025.
4. Petitioner previously applied for and received a waiver from this same rule that extended the timeframe in which he needed to pass the NAPLEX through September 30, 2024.
5. Petitioner did pass the NAPLEX within that timeframe, but since he did not pass the NAPLEX by March 31, 2024, his MPJE results would be invalidated if the current waiver request is not granted.
6. The Board considered the Petition for Waiver at a board meeting on March 4, 2025.

**APPLICABLE LAW**

7. Pursuant to Iowa Administrative Code rule 657—34.4, 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 to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver from a board rule.” Iowa Admin. Code r. 657 – 34.10(2).
9. The Board's rules provide "The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board upon consideration of all relevant factors. The Board shall evaluate each petition for a waiver based on the unique, individual circumstances set out in the petition." Iowa Admin. Code r. 657 – 34.10(1). “A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.” *Id.* at 657 – 34.10(3).

### **ANALYSIS OF WAIVER CRITERIA**

**Whether the application of the rule would create an undue hardship on the person for whom the waiver is requested:**

10. Application of the rule (i.e. requiring Petitioner to re-take the MPJE in order to comply with the rule that both test components be passed within one year of each other) would create an undue hardship on Petitioner as it would require additional time and expense to re-take the MPJE that he already received a passing result on.

**Whether the waiver from the requirements of the rule in the specific case would prejudice the substantial legal rights of any person:**

11. Waiving the requirements of the rule would not prejudice the substantial legal rights of any person.

**Whether the provision of the rule subject to the petition for waiver is not specifically mandated by another provision of law:**

12. The requirement found in the Board’s administrative rule is not specifically mandated by statute.

**Whether substantially equal protection of the 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:**

13. The public health, safety, and welfare will be afforded by other means if this waiver is granted. The Petitioner will be completing the required test components just a few months after the one year rule requirement.

**CONCLUSIONS OF LAW**

For the reasons set forth above and upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver set forth in 657 IAC 34.4.

**ORDER**

**IT IS THEREFORE ORDERED** the Petition for Waiver of 657 Iowa Administrative Code 2.4(2) is GRANTED.

Issued March 4, 2025.



Chairperson -  
Iowa Board of Pharmacy

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