

BEFORE THE MASSAGE THERAPY BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE PETITION FOR WAIVER BY: ANNA KAUFMAN, Petitioner.	ORDER DENYING REQUEST FOR WAIVER
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code chapter 481-821.9, the Board of Massage Therapy (“Board”) hereby makes the following ruling on Petition for Waiver submitted by Anna Kaufman (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is applying to reactivate her Iowa license to practice massage therapy.
2. On or about April 23, 2009, the Board issued Petitioner Massage License No. 005356.
3. On or about April 15, 2017, License No. 005356 expired. License 005356 has been expired for eight (8) years.
4. Iowa Administrative Code chapter 481-821.9(2)(b) states that if a license has been on inactive status for more than five (5) years, the applicant must submit the following:
 - (1) Proof of completion of 16 hours of continuing education within two years of application;
 - (2) Proof of two years of active, licensed practice in another issuing jurisdiction immediately prior to submitting the application, or proof of passing one of the following examinations within two years of submitting the application:
 1. The National Certification Examination for Therapeutic Massage (NCETM);
 2. The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB);
 3. The National Examination for States Licensing (NESL) option; or
 4. The Massage and Bodywork Licensing Examination (MBLEx);and

(3) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license.

5. On August 18, 2025, Petitioner filed a Petition for Waiver with the Board, seeking a waiver from the requirement that Petitioner provide proof of passing one of the following examinations: NCETM, NCETMB, NESL, and MBLEx.

SUMMARY OF LAW

6. Pursuant to 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.
7. "The burden of persuasion rests with the [Petitioner] for the waiver of a rule."

Iowa Code § 17A.9A(3).

FINDINGS:
PETITIONER HAS NOT MET THE CRITERIA TO WAIVER RULE 481-821.9(9)

8. Upon review of the Petition, the Board finds that Petitioner has failed to satisfy the four criteria for waiver of the requirement that Petitioner provide proof of passing one of the following examinations: NCETM, NCETMB, NESL, and MBLEx.
9. The Board denied waiver of the rule based on the following:
 - a. Petitioner has failed to provide proof that application of the rule would impose undue hardship on Petitioner; and
 - b. 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.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of the requirement that Petitioner provide proof of passing one of the following examinations: NCETM, NCETMB, NESL, and MBLEx, pursuant to Iowa Administrative Code chapter 481-821.9(2)(b,) is hereby **DENIED**.

Issued October 6, 2025



LeAnn Stevens, Chair, Iowa Massage Therapy Board