

BEFORE THE BOARD OF MEDICINE OF THE STATE OF IOWA

**In the Matter of the
Petition for Rule Waiver by:**

ERCAN KOCAKOC,

Petitioner.

**ORDER DENYING
WAIVER REQUEST**

Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code rule 481—6.1, the Iowa Board of Medicine (“Board”) makes the following ruling on the Petition for Waiver submitted by Ercan Kocakoc (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner submitted a Petition for Waiver on or about July 22, 2025.
2. Petitioner seeks to waive Iowa Administrative Code rules 481—653.4(2)(g) and 481—653.4(3)(a)(4), which require an applicant for a special license to demonstrate proficiency in English by providing a passing score on the test of English as a Foreign Language (TOEFL) exam. Prior to June 11, 2025 see Iowa Administrative Code rules 653—10.4(2)(g) and 653—10.4(3)(a)(4).
3. At the time Petitioner submitted his Petition for Waiver, Iowa Administrative Code rules 481—653.4(2)(g) and 481—653.4(3)(a)(4) read, in relevant part:

480—653.4(2) *Special license eligibility.* To be eligible for a special license, an applicant shall meet all of the following requirements:

[...]

g. Demonstrate proficiency in English by providing a valid ECFMG certificate or verification of a passing score on the Test of Spoken English (TSE) or the Test of English as a Foreign Language (TOEFL) examination administered by the Educational Testing Service.

481—653.4(3) *Special license application.*

a. Requirements. To apply for a special license, an applicant must:

[...]

- (4) Provide a valid ECFMG certificate or verification of a passing score on the TSE or TOEFL examination administered by the Educational Testing Service.
4. Petitioner submitted an application for an Iowa special medical license on November 23, 2024. He is a radiology specialist who is licensed and practicing in Turkey. He has been offered a position within the radiology department at the University of Iowa.
 5. A passing TOEFL score is required to be eligible for a special medical license, and proof of a passing score is required on the special license application. The Board requires that a passing score be achieved in one test session.
 6. The Educational Testing Service (“ETS”) also provides test takers with something called “My Best Scores”, which is a composite score that reflects the test taker’s best scores across all test sections. Petitioner requests that the Board accept his “My Best Score” rather than a score from a single test session.
 7. Petitioner asserts that he has experienced some personal hardships this year, which have prevented him from devoting enough time to study for the TOEFL exam. He also noted that he can take the TOEFL again, as there is no limit to the number of times he can take it.
 8. Petitioner meets all other requirements for special medical licensure in Iowa.
 9. The Board considered the Petition for Waiver at its meeting on October 24, 2025.

APPLICABLE LAW

10. Pursuant to Iowa Administrative Code chapter 481—6.1(3), 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.
11. “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. 481—6.11(2).

12. “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.” Iowa Admin. Code r. 481-6.11(1). “Each petition for a waiver shall be evaluated by the board based on the unique, individual circumstances set out in the petition.” *Id.* at. 481-6.11(5)(a). “A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.” *Id.* at. 481-6.11(5)(b).

ANALYSIS OF WAIVER CRITERIA

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

13. The Board finds that the Petitioner has the ability to retake the TOEFL exam again until he receives a passing score on a single exam, as required by rule. The Board finds that this application of the rule would not create an undue hardship on the Petitioner.

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

14. Because the Board found that there was not an undue hardship above, the Board did not address this factor.

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

15. 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:

16. Because the Board found that there was not an undue hardship above, the Board did not address this factor.

CONCLUSIONS OF LAW

For the reasons set forth above and upon review of the Petition, the Board finds that Petitioner has not satisfied the four criteria for waiver set forth in Iowa Administrative Code rule 481—6.1(3).

ORDER

IT IS THEREFORE ORDERED that Petitioner’s waiver request of 481 Iowa Administrative Code rules 481—653.4(2)(g) and 481—653.4(3)(a)(4) is DENIED.

Issued October 24, 2025.

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Chad Stadvold, D.O.
Chair, Iowa Board of Medicine