

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

<p><b>In the Matter of the Petition for Waiver by:</b></p> <p><b>Brayden Malone Registration #: 7718</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 481 Iowa Administrative Code (“IAC”) 6, the Iowa Board of Pharmacy (“Board”) makes the following ruling on the Petition for Waiver submitted by Brayden Malone (“Petitioner”).

**FINDINGS OF FACT**

1. Petitioner has an Iowa pharmacist-intern license that will expire on January 26, 2026.
2. Petitioner took the MPJE in May 2025 and passed the exam.
3. Petitioner plans on taking the NAPLEX in December 2025 and adjusting as needed depending on the results.
4. Petitioner’s pharmacist-intern license originally expired in May 2025 but was extended to January 26, 2026 after Petitioner requested and received a waiver of 657 IAC 2.4(2).
5. Petitioner states in his current Petition for Waiver that he seeks to waive 481 IAC 551.6(2) which provides:

**Pharmacist-interns. *Registration fee and duration.*** The registration fee is \$30, and the registration will expire one year following graduation from a college of pharmacy, following completion of a residency or fellowship, upon withdrawal from a college of pharmacy, or upon pharmacist licensure in Iowa, whichever occurs first.

6. Petitioner is specifically requesting an extension of his internship license to May 31, 2026 in order to retake the NAPLEX if he is not successful in December 2025.
7. The Board considered the Petition for Waiver at a board meeting on November 5, 2025.

**APPLICABLE LAW**

8. 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.
9. “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.” 481 IAC 6.1(8)(b).
10. The Board's rules provide “The final decision on whether the circumstances justify the granting of a waiver is at the discretion of the department upon consideration of all relevant factors. Each petition for a waiver will be evaluated by the department based on the unique, individual circumstances set out in the petition.” 481 IAC 6.1(8)(a).
11. “A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.” 481 IAC 6.1(8)(f).

## ANALYSIS OF WAIVER CRITERIA

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

12. Application of the rule (i.e. termination of the internship license) would create an undue hardship on Petitioner as it would put him at risk of losing his intern position and the ability to take the NAPLEX exam in order to become licensed.

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

13. 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:**

14. 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:**

15. The public health, safety, and welfare will be afforded by other means if this waiver is granted as the Petitioner will be able to continue working under his internship license to gain experience while he studies for and attempts to successfully take the NAPLEX exam necessary to become licensed.

**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 481 IAC 6.1(3).

**ORDER**

**IT IS THEREFORE ORDERED** the Petition for Waiver of 481 Iowa Administrative Code chapter 551.6(2) is GRANTED until May 31, 2026, to allow Petitioner to take the NAPLEX exam and retake them, if necessary, by that date.

Issued November 6 , 2025.



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Erik Maki, PharmD  
Chairperson  
Iowa Board of Pharmacy

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