

**BEFORE THE NURSING HOME ADMINISTRATOR BOARD
OF THE STATE OF IOWA**

In the Matter of the Petition for Rule Waiver by: Nichole Clapp Petitioner.	ORDER GRANTING WAIVER WITH CONDITIONS
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code rule 481—6.5, the Iowa Board of Nursing Home Administrators (“Board”) makes the following ruling on the Petition for Waiver submitted by Nichole Clapp (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner submitted a Petition for Waiver on or about October 2, 2025.
2. Petitioner seeks to waive Iowa Administrative Code rule 481—980.2(3)(b), which requires that an applicant for licensure provide verification of a passing score on all required national NAB examinations.
3. At the time Petitioner submitted the Petition for Waiver, rule 481—980.2(3)(b) read in part:

481—980.2(155) Requirements for licensure. The following criteria shall apply to licensure:

480—980.2(3) Provide verification of the following:

[...]

b. Passing score on all required NAB examinations and meeting all other licensure requirements to be approved to take all required national NAB examinations[.]
4. Petitioner is seeking a nursing home administrator license so she can continue in her role as administrator of the MercyOne hospital nursing facility in Centerville, Iowa. The nursing facility in question was previously attached to the MercyOne Centerville Medical Center hospital license. Due to a change in hospital structure, the nursing facility is now a 135B facility attached to the MercyOne Des Moines hospital license.
5. Petitioner has been acting as the hospital administrator of the MercyOne Centerville Medical Center since 2022.

6. Petitioner has a background in nursing. She has an RN and has passed the NCLEX exam. She believes that her experience and passing scores on other exams are a relevant and sufficient substitute for the NAB examinations.
7. The Board considered the Petition for Waiver at its meeting on October 13, 2025.

APPLICABLE LAW

8. Pursuant to Iowa Administrative Code chapter 481—6.5, 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.” Iowa Admin. Code r. 481—6.11(2).
10. “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:

11. Petitioner has an RN and a degree in nursing. She has taken a number of exams related to nursing and hospital administration. The Board finds that application of the rule would create an undue hardship for the Petitioner because she would be required to take additional exams.

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

12. The Board finds that Petitioner's education in nursing and experience as a hospital administrator are sufficient to justify waiving the NAB examinations. The Board finds that granting the waiver with conditions will 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:

13. 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:

14. The public health, safety, and welfare will not be adversely affected by granting this waiver with the conditions listed below. The Board has reason to believe Petitioner has all relevant education and experience to practice as a nursing home administrator with reasonable skill and safety in the setting of a nursing facility co-located with a critical access hospital.

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481—980.2(3)(b). THE RULE WAIVER IS GRANTED WITH CONDITIONS AS OUTLINED BELOW.

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the requirement to take the NAB examinations. To ensure that the public safety and welfare is protected, the waiver is granted with the following conditions:

This waiver shall only apply as long as Petitioner is working as a nursing home administrator in a 135B facility co-located with a critical access hospital. Petitioner may not use her nursing home administrator license to work as an administrator in a 135C nursing home facility.

IT IS THEREFORE ORDERED the Petition for Waiver of the requirement to complete the NAB examinations prior to being licensed as a Nursing Home Administrator is under Iowa Administrative Code rule 481—902.2(3)(b) is hereby **GRANTED WITH CONDITIONS**. The waiver shall be valid as long as Petitioner complies with the conditions listed above.

Issued December 18, 2025.



Chair, Iowa Board of Nursing Home Administrators