

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

<p><b>In the Matter of the Petition for Waiver by:</b></p> <p><b>Always Moving Forward LLC License #: 8525</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 Always Moving Forward LLC (“Petitioner”).

**FINDINGS OF FACT**

1. Petitioner has an Iowa wholesale distribution license that was originally issued on July 30, 2025 and will next expire on December 31, 2026.
2. Petitioner is seeking to waive 481 IAC 551.13(1) that requires third party accreditation and inspection of the wholesale facility.
3. Petitioner obtained a wholesale distribution license, but they do not take inventory or possession of the product. Petitioner serves solely as an entity to process medication from the manufacturer directly to Veterans Affairs health facilities. Petitioner does not maintain a facility like a typical whole distributor, so accreditation and inspection do not fit the circumstances under which Petitioner works to provide the medication delivery service to the VA.
4. The Board considered the Petition for Waiver at a board meeting on January 6, 2025.

**APPLICABLE LAW**

5. 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.
6. “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).
7. 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).
8. “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:**

9. Application of the rule (i.e. requiring the expensive accreditation and inspection) would create an undue hardship on Petitioner as Petitioner does not have a typical wholesale facility that can be accredited and inspection. They serve solely as a pass-through entity and have a wholesale license in name only.

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

10. 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:**

11. 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:**

12. The public health, safety, and welfare will be afforded by other means if this waiver is granted as the Petitioner is not a typical wholesale distributor and

therefore does not require accreditation and inspection since their facility does not take inventory or possession of any product.

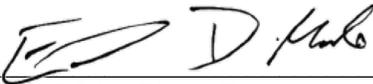
### CONCLUSIONS OF LAW

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 551.13(1) is GRANTED for ONE (1) YEAR from the date of this Order, provided that Petitioner does not take possession of the product. If circumstances change and Petitioner does take possession of the product, then the waiver is void. Petitioner is permitted to act solely as a pass-through entity as described in their Petition and in this Order.

Issued January 29, 2026.



Erik Maki, PharmD  
Chairperson  
Iowa Board of Pharmacy

Copy to:  
Katrina Phillip  
Assistant Attorney General  
Iowa Department of Justice  
Office of the Iowa Attorney General  
1305 E. Walnut Street, 2<sup>nd</sup> Floor  
Des Moines, Iowa 50309  
[katrina.phillip@ag.iowa.gov](mailto:katrina.phillip@ag.iowa.gov)

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