

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

<p>In the Matter of the Petition for Waiver by:</p> <p>Solon Towncrest Pharmacy License #: 1412</p> <p>Petitioner.</p>	<p>ORDER GRANTING WAIVER REQUEST</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 Solon Towncrest Pharmacy (“Petitioner”).

FINDINGS OF FACT

1. Petitioner has an Iowa pharmacy license that was issued on January 1, 2012 and will next expire on December 31, 2026.
2. Petitioner is currently a regular pharmacy and is seeking to convert to a hybrid telepharmacy. They average filling 155 prescriptions per day, but are having trouble with staffing a full-time pharmacist to comply with the rule pertaining to telepharmacies.
3. Petitioner is seeking to waive 481 IAC 552.18(5) that requires a telepharmacy have a full-time on-site pharmacist when the average number of prescriptions dispensed per day exceeds 150 prescriptions.
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 a full-time pharmacist on-site for a telepharmacy) would create an undue hardship on Petitioner as they are unable to find staffing to fulfill this rule, only dispense an average of 155 prescriptions per day which is only 5 over the requirement for having a full-time on-site pharmacist, and if they are required to comply with the rule, Petitioner risks closing the pharmacy altogether.

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 only filling an average of 5 prescriptions per

day over the threshold that requires a full-time on-site pharmacist for telepharmacies and they do not have the means to comply with the rule due to staffing issues.

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 552.18(5) is GRANTED for ONE (1) YEAR from the date of this Order. This waiver restricts Petitioner from dispensing more than 160 prescriptions per day. This waiver is contingent upon Petitioner submitting an application to become a telepharmacy and receiving approval and licensure as a telepharmacy.

Issued January 30, 2026.



Erik Maki, PharmD
Chairperson
Iowa Board of Pharmacy

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PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).