

**BEFORE THE BOARD OF BEHAVIORAL HEALTH PROFESSIONALS OF
THE STATE OF IOWA**

In the Matter of the Petition for Waiver by: Pamela Ingram Petitioner.	ORDER DENYING WAIVER REQUEST
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code (“IAC”) rule 481—6, the Iowa Board of Behavioral Health Professionals (“Board”) makes the following ruling on the Petition for Waiver submitted by Pamela Ingram (“Petitioner”).

FINDINGS OF FACT

1. Petitioner is seeking to obtain her license as an Iowa licensed mental health counselor.
2. Petitioner has received supervision as a licensed master’s level social worker for approximately twelve (12) years.
3. Petitioner states in her Petition for Waiver that she seeks to waive 481 IAC 880.7(3) which provides:

Prior to beginning supervision, the supervisee will submit a written supervision plan to the board using the current form published by the board. The supervisee will also submit a written supervision plan to the board prior to beginning supervision with a new supervisor.

4. Petitioner is specifically requesting the Board allow her to receive her mental health counselor license based on supervision she received while licensed as a master’s level social worker. Petitioner has the required number of supervision hours, but did not submit the supervision plan documentation prior to beginning supervision. All documentation is dated approximately 10 years after supervision began.
5. The Board considered the Petition for Waiver at a board meeting on September 30, 2025.

APPLICABLE LAW

6. 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.
7. “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).
8. The Board's rules provide “The final decision on whether the circumstances justify the granting of a waiver is at the discretion of the [board] upon consideration of all relevant factors. Each petition for a waiver will be evaluated by the [board] based on the unique, individual circumstances set out in the petition.” 481 IAC 6.1(8)(a).
9. “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:

- 10. Requiring Petitioner to undergo supervision with properly submitted supervision plan documentation would not create an undue hardship on Petitioner because she still has the ability to practice while working to fulfill the supervision requirements.

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

- 11. 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:

- 12. 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:

13. The public health, safety, and welfare will not be afforded by other means if this waiver is granted because supervision plan(s) are integral to the licensure process. Proof of a structured training program is essential to showing that an applicant has received sufficient experience. Baseline work experience does not, on it's own, provide sufficient evidence that the public would still be substantially protected.

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 IAC 481—6.1(3).

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of 481 IAC 880.7(3) is DENIED.

Issued September 30, 2025.

Aaron L. Culley, L.I.S.W.

Aaron Culley
Chairperson
Iowa Board of Behavioral Health Professionals