

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

<b>In the Matter of the Petition for Waiver by:</b>  <b>Scotty Hagan</b>  <b>Petitioner.</b>	<b>ORDER GRANTING WAIVER REQUEST</b>
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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 Scotty Hagan (“Petitioner”).

**FINDINGS OF FACT**

1. Petitioner is seeking to obtain his license as an Iowa licensed independent level social worker.
2. Petitioner has been licensed as an Iowa master’s level social worker since 2004.
3. Petitioner has been employed by the Department of Veterans Affairs Readjustment Counseling Services (“VA”) since April 1, 2006.
4. Petitioner’s employer requires that all counselors be supervised for a set number of hours from multiple supervisors each month.
5. Petitioner states in his Petition for Waiver that he 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.

6. Petitioner is specifically requesting the Board allow him to receive his independent level social worker license based on supervision he received while working for the VA. Petitioner submitted various letters from his supervisors attesting to Petitioner’s supervision and detailing the type of work Petitioner did.
7. The Board considered the Petition for Waiver at a board meeting on September 30, 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 [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).
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. Petitioner has been working as a master’s level social worker for approximately 20 years, during which time he was supervised by various individuals. Requiring Petitioner to undergo two (2) additional years of documented supervision would create an undue hardship on Petitioner due to the unnecessary additional time requirements.

### **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 because Petitioner's employment at the VA consisted of a program that required structured supervision. Further, Petitioner would still have to pass the Association of Social Work Boards clinical level examination before he would be granted licensure. Passage of that exam would ensure Petitioner has met minimum competency standards.

**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 IAC 481—6.1(3).

**ORDER**

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

Issued September 30, 2025.

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

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Aaron Culley  
Chairperson  
Iowa Board of Behavioral Health Professionals