

**BEFORE THE SPEECH PATHOLOGY AND AUDIOLOGY
BOARD OF THE STATE OF IOWA**

**In the Matter of the
Petition for Rule Waiver by:**

BIBIANA FUZER DA SILVA

Petitioner.

ORDER GRANTING WAIVER

Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code rule 481—6.5, the Iowa Board of Speech Pathology and Audiology (“Board”) makes the following ruling on the Petition for Waiver submitted by Bibiana Fuzer da Silva (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner submitted a Petition for Waiver on or about September 3, 2025.
2. Petitioner seeks to waive Iowa Administrative Code rule 481—740.3(2), which specifies that a credential evaluation for foreign-trained speech pathologists and audiologists must be performed by the International Education Research Foundation (“IERF”).
3. At the time Petitioner submitted the Petition for Waiver, rule 481—740.3(2) read in part:

481—740.3(147) Educational qualifications.
[...]
481—740.3(2) Foreign-trained speech pathologists and audiologists will provide an equivalency evaluation at the licensee’s expense of the licensee’s educational credentials by one of the following: International Education Research Foundation, Inc., Credentials Evaluation Service. The professional curriculum must be equivalent to that stated in these rules.
4. Petitioner is seeking her Iowa speech pathology license. As part of the application process, she sought an equivalency evaluation for her foreign training credentials through International Education Evaluations (“IEE”), which was listed as a credential equivalency evaluator on the American Speech-Language Hearing Association (“ASHA”) website.
5. The Board considered the Petition for Waiver at its meeting on October 17, 2025.

APPLICABLE LAW

6. 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.
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.” Iowa Admin. Code r. 481—6.11(2).
8. “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:

9. The Board finds that application of the rule would create an undue hardship for the Petitioner because she would be required to complete an additional credential equivalency evaluation.

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

10. The Board finds that granting the waiver will not prejudice the substantial legal rights of any person. The Board finds that the credential equivalency evaluation Petitioner received through IEE is substantially similar to the equivalency evaluation that would have been done by IERF. Further, ASHA is the national accrediting body for speech pathologists and has listed IEE as an approved provider of such equivalency evaluations.

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 not be adversely affected by granting this waiver. The Petitioner has submitted an equivalency evaluation for her credentials as required by the Board.

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481—740.3(2). THE RULE WAIVER IS GRANTED.

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the educational requirements for licensure.

IT IS THEREFORE ORDERED the Petition for Waiver of the requirement to provide a credential equivalency evaluation through IEE under Iowa Administrative Code rule 481—740.3(2) is hereby **GRANTED**. The waiver shall be valid indefinitely.

Issued January 5, 2026.



Chair, Iowa Board of Speech Pathology and Audiology