

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

<b>In the Matter of the Petition for Rule Waiver by:</b>  <b>Beth Gilbertson Hoffman</b>  <b>Petitioner.</b>	<b>ORDER GRANTING WAIVER</b>
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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 Beth Gilbertson Hoffman (“Petitioner”).

**FACTS AND COURSE OF PROCEEDINGS**

1. Petitioner submitted a Petition for Waiver on or about July 18, 2025.
2. Petitioner seeks to reactivate her Iowa speech pathology license pending Board approval of her Petition for Waiver.
3. Petitioner seeks to waive Iowa Administrative Code rule 481—740.11(2)(b)(2), license reactivation requirements.
4. At the time Petitioner submitted her Petition for Waiver, 481—740.11(2)(b)(2) read, in relevant part:

**740.11 License reactivation.** To apply for reactivation of an inactive license:

**740.11(2)** Provide verification of current competence to practice speech pathology and audiology by satisfying one of the following criteria:

[...]

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

[...]

(2) Verification of completion of 52 hours of continuing education within two years of application for reactivation.

5. Petitioner is seeking reactivation of her Iowa license. While her Iowa license has been inactive

for over 5 years, she has been in continuous practice as speech pathologist since around 1987. She has held an ASHA certification since 1987 and a California speech language pathology license continuously since 1998.

6. Petitioner is requesting a waiver of the requirement to complete 52 hours of continuing education in the past 2 years because she has been continuously practicing as a speech pathologist during the time when her Iowa license was inactive.
7. The Board considered the Petition for Waiver at its meeting on July 25, 2025.

### **APPLICABLE LAW**

8. 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.
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.” Iowa Admin. Code r. 481—6.11(2).
10. “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:**

11. Petitioner has been continuously working as a speech pathologist since her Iowa license became inactive. She has also been continuously licensed in another state and has completed

the continuing education requirements there. Requiring Petitioner to complete the additional education prior to reactivating her license would create an undue hardship for the Petitioner in expense and time.

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

12. Petitioner believes waiving the requirement of 52 continuing education hours in the past two years would not prejudice the substantial legal rights of any other person due to her continuous practice and licensure in another state. Waiving the requirements of this rule for Petitioner 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:**

13. 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:**

14. The public health, safety, and welfare will not be adversely affected by granting this waiver. The Board has reason to believe Petitioner has all relevant education and experience to practice as a speech pathologist with reasonable skill and safety.

**PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481—740.11(2)(b)(2).**

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the requirement that an applicant for license reactivation who has been inactive over 5 years must complete 52 hours of continuing education within the two years preceding the application.

**IT IS THEREFORE ORDERED** the Petition for Waiver of the requirement to complete 52 hours of continuing education during the two year period prior to application for reactivation under Iowa Administrative Code rule 481—740.11(2)(b)(2) is hereby **GRANTED**. **The Petitioner should ensure that at least 26 hours of continuing education have been completed during the two year period prior to reactivation, consistent with the requirements for licensees that have been inactive for fewer than 5 years.** The waiver shall be valid indefinitely.

Issued July 18, 2025.

*Nancy Almasi, SLP.D., CCC-SLP*

Chair, Board of Speech Pathologists and Audiologists