

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

In the Matter of the Petition for Waiver by: Brandon Davis 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 Brandon Davis (“Petitioner”).

FINDINGS OF FACT

1. Petitioner is seeking to obtain his license as an Iowa licensed mental health counselor.
2. Petitioner has been licensed as an Iowa psychologist since October 2005.
3. Petitioner states in his Petition for Waiver that he seeks to waive 481 IAC 880.3(1)“a”(2) and 481 IAC 880.7 which provides:

880.3(1)“a”(2) For a mental health counselor license, the National Clinical Mental Health Counselor Examination (NCMHCE) of the NBCC.

481—880.7(154C,154D) Supervised clinical experience. An applicant for licensure as a mental health counselor, marital and family therapist, or independent level social worker must complete a supervised clinical experience as set forth in this rule.

880.7(1) Minimum requirements. The supervised clinical experience must satisfy all of the following requirements:

a. Timing. The supervised clinical experience cannot begin until after all graduate coursework has been completed with the exception of the thesis.

b. Duration. The supervised clinical experience must be for a minimum of two years.

c. Minimum number of hours. The supervised clinical experience must consist of at least 3,000 hours of total practice.

d. Minimum number of direct client hours. The supervised clinical experience will consist of at least 1,500 hours of direct client contact.

e. Minimum number of direct supervision hours. The supervised clinical experience will consist of at least 110 hours of direct supervision equitably distributed throughout the supervised clinical experience. A maximum of 50 hours of direct supervision may be obtained through group supervision. Direct supervision can occur in person or by using videoconferencing. After 110 hours of direct supervision are complete, ongoing direct supervision will continue to occur for the remainder of the supervised clinical experience.

f. Number of supervisors. A supervisee may utilize a maximum of four supervisors at any given time. A supervisee is responsible for notifying each supervisor if another supervisor is also being utilized to allow for coordination as appropriate.

g. Number of supervisees. A supervisor will determine the number of supervisees who can be supervised safely and competently and will not exceed that number.

h. Content. The supervised clinical experience must involve performing psychosocial assessments, diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5-TR) published March 2022, and providing treatment, including the establishment of treatment goals, psychosocial therapy using evidence-based therapeutic modalities, and differential treatment planning. The supervised clinical experience will prepare the supervisee for independent practice and must include training on practice management, ethical standards, legal and regulatory requirements, documentation, coordination of care, and self-care.

880.7(2) Eligible supervisors. A supervisor must satisfy all of the following requirements:

a. Hold an active license as an independent level social worker, mental health counselor, or marital and family therapist in Iowa.

b. Have a minimum of three years of independent practice.

c. Have completed at least a six-hour continuing education course in supervision or one graduate-level course in supervision.

d. Be knowledgeable of the applicable ethical code and licensing rules governing the supervisee. Any request for a supervisor who does not meet these requirements must be approved by the board before supervision begins.

880.7(3) Supervision plan. 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.

880.7(4) Supervision report. When supervision is complete, or when a supervisor ceases providing supervision to the supervisee, the supervisee will ensure a completed supervision report using the current form published by the board is submitted to the board. If the supervisor reports that the supervisee is not adequately prepared for independent licensure, or reports violations of the board's rules or applicable ethical code, the board may require the supervisee to complete additional supervision or training as deemed appropriate prior to licensure.

880.7(5) Supervised clinical experience in other states. An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience that has been completed can be used to qualify for licensure in Iowa.

880.7(6) Grandfather clause. Any new or additional requirements imposed by this rule do not apply to supervision that started prior to July 20, 2022.

4. Petitioner is specifically requesting the Board allow him to substitute his passing of the psychology national exam for the NCMHCE and his years of psychology practice for the supervised clinical practice requirement.
5. The Board considered the Petition for Waiver at a board meeting on November 25, 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 the petitioner to pass the NCMHCE and complete the required number of supervision hours would not create an undue hardship because he still has an active psychologist license and may continue practicing as a psychologist while passing the examination and completing the supervision hours.

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 the examination and supervision hours ensure the licensee has the minimum education and experience to practice as a mental health

counselor. Each profession has its own ethical standards and rules, so it is important that each licensee pass the required examinations and complete the supervision needed.

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 880.3(1)"a"(2) and 481 IAC 880.7 is DENIED.

Issued November 25, 2025.

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

Aaron Culley
Chairperson
Iowa Board of Behavioral Health Professionals