

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

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| <b>In the Matter of the Petition for Waiver<br/>by:</b><br><br><b>Mary Katherine Gornet</b><br><br><b>Petitioner.</b> | <b>ORDER DENYING<br/>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 Mary Gornet (“Petitioner”).

**FINDINGS OF FACT**

1. Petitioner is seeking to obtain her license as an Iowa licensed marital and family therapist.
2. Petitioner has been licensed as an Iowa temporary marital and family therapist since August 2014. She practiced part-time from 2014 to 2018 and had a supervision plan with Dr. Lyle as her supervisor. In 2022, Petitioner returned to practice under an approved supervision plan. Petitioner is short 217 supervision hours and is seeking to use 217 hours obtained between 2015 and 2018 under a supervisor other than Dr. Lyle although she did not have a supervision plan in place with this other supervisor.
3. Petitioner states in her Petition for Waiver that she seeks to waive 481 IAC 880.7(3) provides:

**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.
4. Petitioner is specifically requesting the Board allow her to utilize a time period of practice between 2015 and 2018.
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 applicant to have a supervision plan in place prior to beginning supervision, pursuant to the Board rules, does not create an undue hardship. The petitioner is still able to work and be paid during her time of supervision to complete the remaining 217 hours. The petitioner was aware she needed to have a supervision plan in place as she correctly completed a plan for her other supervisor during 2014-2018.

**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 supervised hours are necessary to ensure licensees are adequately prepared for independent practice. The use of a supervision plan allows the Board to see what work is being supervised and obtain a report on the work of the licensee prior to granting the independent license.

**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 November 25, 2025.

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

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Aaron Culley  
Chairperson  
Iowa Board of Behavioral Health Professionals