

**BEFORE THE BOARD OF NURSING OF THE STATE OF IOWA**

<p><b>In the Matter of the Petition for Waiver by:</b></p> <p><b>ANTONIO JAVIER CRUZ HERNANDEZ</b></p> <p><b>Petitioner.</b></p>	<p><b>ORDER APPROVING WAIVER REQUEST</b></p>
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code (“IAC”) rule 481—620.3(14), the Iowa Board of Nursing (“Board”) makes the following ruling on the Petition for Waiver submitted by Antonio Javier Cruz Hernandez (“Petitioner”).

**FINDINGS OF FACT**

1. Petitioner is seeking to waive the requirement of completion of the board-approved expanded intravenous therapy certification course.
2. Petitioner states in the Petition for Waiver that he seeks to waive 481 IAC 620.3(14) which provides:

A licensed practical nurse is permitted to perform, in addition to the functions set for it subrule 620.3(5), procedures related to the expanded scope of practice in intravenous therapy upon completion of the board-approved expanded intravenous therapy certification course in accordance with the following:

- a.* To be eligible to enroll in the course, the licensed practical nurse shall:
  - (1) Hold a current unrestricted Iowa license or an unrestricted license in another state for licensure in this state pursuant to the nurse licensure compact contained in Iowa Code chapter 152E.
  - (2) Have documentation of 1,040 hours of practice as a licensed practical nurse.
  - (3) Be practicing in a licensed hospital, a nursing facility or a certified end-stage renal dialysis unit whose policies allow the licensed practical nurse to perform procedures related to the expanded scope of practice of intravenous therapy.
- b.* The course must be offered by an approved Iowa board of nursing provider of nursing continuing education. Documentation of course completion shall be maintained by the licensed practical nurse and employer.
- c.* The board-approved course shall incorporate the responsibilities of the licensed practical nurse providing intravenous therapy via a peripheral intravenous catheter, a midline catheter and a PICC to children, adults, and elderly adults.

3. Petitioner requests to waive the requirement based on prior education, training, and clinical experience obtained during military service from 2008 to current as a 68W Combat Medic and 68C Practical Nurse Specialist.
4. Petitioner served with the 407<sup>th</sup> Ground Ambulance Company and 369<sup>th</sup> Combat Support Hospital where he performed IV therapy and medication administration in clinical and field environments.
5. Training documented in VMET and Joint Services Transcripts includes; peripheral IV insertion and discontinuation, administration of IV fluids and medications, IV maintenance and infection control, patient monitoring for IV related complications, medication dosage and safe administration.
6. The Board reviewed Joint Services Transcripts, Verification of Military Experience and Training, Tactical Combat Casualty Care (TCCC) guidelines and handbook, and IV therapy competency crosswalk mapping military training and experience to Iowa Expanded IV Therapy competencies.
7. The Board considered the Petition for Waiver at a board meeting on May 20, 2026.

#### **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. It would be an undue hardship for the applicant to be required to complete the board-approved expanded IV therapy course as it would impose unnecessary time and financial burden, duplicating training already completed during applicant’s military service.

#### **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 applicant has demonstrated competency in IV therapy through formal military medical training and sustained clinical practice.

## 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 620.3(14) is **GRANTED**.

Issued June 10, 2026



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Jackie Barber, Board Chair  
Iowa Board of Nursing