

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

IN THE MATTER OF
MARIA JOSE ANDONIE
PETITIONER

**ORDER GRANTING
WAIVER REQUEST**

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 Maria Jose Andonie (“Petitioner”).

FINDINGS OF FACT

1. Petitioner is seeking to obtain her Iowa mental health counselor license.
2. Petitioner has been licensed as a temporary mental health counselor since February 2023.
3. Petitioner states in her Petition for Waiver that she seeks to waive 481 IAC 880.3(1)“a”(2) which provides:
 - (2) For a mental health counselor license, the National Clinical Mental Health Counselor Examination (NCMHCE) of the NBCC.
4. Petitioner specifically requests the Board allow her to utilize the National Counselor Exam (NCE) to meet the exam requirements for a full mental health counselor license.
5. Petitioner passed the NCE exam in 2013. At that time, the Board’s rules allowed the NCE exam for full licensure.
6. The Board considered the Petition for Waiver at a board meeting on July 28, 2026.

APPLICABLE LAW

7. Pursuant to Iowa Code section 17A.9A(2), the [Board] may in its sole discretion issue a waiver from 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 pose an undue hardship on the person for whom the waiver is requested;
 - b. The waiver from the requirements of a 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.
8. Pursuant to Iowa Administrative Code section 17A.9A(3), the burden of persuasion rests with the person who petitions [a Board] for the waiver of a rule.
 9. Iowa Code section 17A.9A(3) further states that each petition for a waiver shall be evaluated by the [Board] based on the unique, individual circumstances set out in the petition [and that] a waiver, if granted, shall be drafted by the [Board] so as to provide the narrowest exception possible to the provisions of the rule.

ANALYSIS OF WAIVER CRITERIA

Whether the application of the rule would pose an undue hardship on the person for whom the waiver is requested:

1. In considering this criterion, the Board noted the rules requiring the NCMHCE for full licensure became effective April 30, 2020. The Board believes it would be appropriate to grant waivers to those who took the NCE exam prior to April 30, 2020.

Whether the waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person:

2. Waiving the requirements of the rule in this case would not prejudice the substantial legal rights of any person.

Whether the provisions of a rule subject to a petition for waiver are not specifically mandated by another provision of law:

3. 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:

4. In considering this criterion, the Board noted the rules requiring the NCMHCE for full licensure became effective April 30, 2020. The Board believes it would be appropriate to grant waivers to those who took the NCE exam prior to April 30, 2020

CONCLUSIONS OF LAW

Upon review of the Petition and for the reasons set forth above, the Board finds that Petitioner has satisfied the four criteria for waivers set forth in Iowa Code section 17A.9A.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of Iowa Administrative Code 481 – 880.3(1)(a)(2) is **GRANTED**.

Issued July 28, 2026.

Aaron L Culley, LISW

Aaron Culley, LISW
Chairperson
Iowa Board of Behavioral Health Professionals