

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

**IN THE MATTER OF
ZACHARIAH EVANS
PETITIONER**

**ORDER DENYING
WAIVER REQUEST**

Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code (“IAC”) rule 7 — 2504, the Iowa Board of Behavioral Health Professionals (“Board”) makes the following ruling on the Petition for Waiver submitted by Zachariah Evans (“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 September 2024.
3. Petitioner states in her Petition for Waiver that she seeks to waive 481 IAC 880.7(3) which 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 supervision hours earned between October 2024 thru June 2026 totaling 62.98 hours of supervision.
5. The Board considered the Petition for Waiver at a board meeting on July 28, 2026.

APPLICABLE LAW

6. 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.
7. 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.
8. 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. Requiring petitioner to complete current hour requirements and comply with a supervision plan would not create an undue hardship because she still has the ability to practice while working to fulfill the supervision requirements. If needed, Petitioner's temporary license may be renewed.

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 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. Protection of the public health, safety, and welfare will not be afforded by other means 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

Upon review of the Petition and for the reasons set forth above, the Board finds that

Petitioner has not satisfied the four criteria for waiver set forth in Iowa Code section 17A.9A.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of Iowa Administrative Code 481 – 880.7(3) is **DENIED**.

Issued July 28, 2026.

Aaron L. Culley, LISW

Aaron Culley, LISW
Chairperson
Iowa Board of Behavioral Health Professionals