

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

IN THE MATTER OF
BRENDA LYKINS
PETITIONER

**ORDER APPROVING
WAIVER REQUEST IN PART AND
DENYING WAIVER REQUEST IN
PART**

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 Brenda Lykins (“Petitioner”).

FINDINGS OF FACT

1. Petitioner is seeking to obtain her Iowa independent social worker license.
2. Petitioner has been licensed as a masters level social worker since May 2024.
3. Petitioner states in her Petition for Waiver that she seeks to waive 481 IAC 880.7(3) and 880.7(4) which provided:

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.

4. With regard to IAC 481 – 880.7(3), Petitioner is specifically requesting the Board allow her to utilize a time period of September 16, 2024, through January 9, 2025, where she practiced clinical social work under supervision.
5. With regard to IAC 481 – 880.7(4), Petitioner is specifically requesting the Board allow her to utilize a time period of January 29, 2025, through December 31, 2025, where she practiced clinical social work under supervision. Petitioner further stated she has made multiple requests to her supervisor for a completed supervision report form and to date, has not

received a completed form.

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. With regard to IAC 481 – 880.7(3), requiring Petitioner to have a supervision plan in place prior to beginning supervision, pursuant to 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 hours.
2. With regard to IAC 481 – 880.7(4), Petitioner has made good faith efforts to obtain Board required documentation of her hours. Denying her hours would impose an undue hardship.

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

3. 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:

4. 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:

5. With regard to IAC 481 – 880.7(3), protection of 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 done and obtain a report on the work of the licensee prior to granting independent licensure.
6. With regard to IAC 481 – 880.7(4), protection of the public health, safety, and welfare will be afforded by other means if this waiver is granted as the Board felt sufficient evidence was submitted to support the appropriate level of practice and supervision did occur.

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 with regard to IAC 481 – 880.7(3) and has satisfied the four criteria for waiver set forth in Iowa Code section 17A.9A with regard to IAC 481 – 880.7(4).

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of Iowa Administrative Code 481 – 880.7(3) is **DENIED** and the Petition for Waiver of Iowa Administrative Code 481 – 880.7(4) is **GRANTED**.

Issued July 28, 2026.

Aaron L. Culley, LISW

Aaron Culley, LISW
Chairperson
Iowa Board of Behavioral Health Professionals