

**BEFORE THE HEARING AID SPECIALIST
BOARD OF THE STATE OF IOWA**

**In the Matter of the
Petition for Rule Waiver by:**

MICHAEL SHARP,

Petitioner.

ORDER GRANTING WAIVER

Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code rule 7—2504.4, the Iowa Board of Hearing Aid Specialists (“Board”) makes the following ruling on the Petition for Waiver submitted by Michael Sharp (“Petitioner”).

FACTUAL BACKGROUND

1. Petitioner submitted a Petition for Waiver on or about August 31, 2026.
2. Petitioner seeks to waive Iowa Administrative Code rule 481—2060.3(1)(a), which specifies a supervisor must hold an active hearing aid specialists license for 24 months prior to being allowed to supervise a temporary permit holder.
3. At the time Petitioner submitted the Petition for Waiver, rule 481—2060.3(1)(a) read:

481—2060.3(154A) Supervision requirements.
2060.3(1) The supervisor(s) of temporary permit holders will:
 - a. Have a current hearing aid specialist license valid for the preceding 24 months;
[...]
4. At the time Petitioner submitted the Petition for Waiver, Iowa Code Chapter 154A.19(4) read:

IC§154A.19(4) This chapter shall not apply to a person who engages in practices covered by this chapter if the person is licensed as an audiologist pursuant to chapter 154F.
5. Petitioner has held Iowa audiology license # 097194 since June 2019 and recently reactivated his Iowa hearing aid specialists license # 000973 effective August 29, 2026 in order to comply with Iowa Code 154A.14 and Iowa Administrative Code 481—2060.3.
6. Petitioner held an active Iowa hearing aid specialist license from May 2009 until

December 2024 but allowed it to expire when the new law exempted audiologists from hearing aid specialist licensure and allowed them to perform hearing aid specialist scope of practice.

7. The Department considered the Petition for Waiver on September 9, 2026.

APPLICABLE LAW

8. Pursuant to Iowa Code 17A.9A(2) and Iowa Administrative Code rule 7—2504.4, the Department 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 petitioner bears the burden of persuasion to show by clear and convincing evidence all the factors provided in Iowa Code section 17A.9A(2).” Iowa Admin. Code r. 7—2504.1(2).
10. “Each petition for waiver shall be evaluated by the agency based on the unique, individual circumstances set out in the petition.” Iowa Code 17A.9A(3). “A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.” *Id.*

ANALYSIS OF WAIVER CRITERIA

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

11. The Department finds that application of the rule would create an undue hardship for the Petitioner because it would prevent him from supervising and training temporary licensees even though the law permits him to perform hearing aid specialist scope of practice under his audiology license.

Whether the waiver from the requirements of the rule in the specific case would prejudice the substantial legal rights of any person:

12. The Department finds that granting the waiver will 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:

13. The requirement 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:

14. The public health, safety, and welfare will not be adversely affected by granting this waiver. The Petitioner has taken steps to comply with the current laws and rules.

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481—2060.3(1)(a). THE RULE WAIVER IS GRANTED.

Upon review of the Petition, the Department finds that Petitioner has satisfied the four criteria for waiver of the licensure requirements to supervise a temporary licensee.

IT IS THEREFORE ORDERED the Petition for Waiver of the requirement to have a current hearing aid specialist license valid for the preceding 24 months under Iowa Administrative Code rule 481—2060.3(1)(a) is hereby **GRANTED**. The waiver shall be valid indefinitely.

Issued _____ September 17 _____, 2026.



Interim Director, Aaron Baack