

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

In the Matter of the Petition for Waiver by: Diana Ferguson Registration #: 39778 Petitioner.	ORDER GRANTING WAIVER REQUEST
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Pursuant to Iowa Code section 17A.9A and 7 Iowa Administrative Code (“IAC”) 2504, the Iowa Board of Pharmacy (“Board”) makes the following ruling on the Petition for Waiver submitted by Diana Ferguson (“Petitioner”).

FINDINGS OF FACT

1. Petitioner has an Iowa Pharmacy Technician Trainee registration that was originally issued on August 5, 2024, was renewed once, and recently expired on August 5, 2026.
2. Petitioner seeks to waive 481 IAC 551.7(1) which provides:

An individual who does not hold current and active national pharmacy technician certification will register as a technician trainee. The registration fee is \$20, and the registration will expire one year after initial registration. When necessary due to exceptional circumstances, a technician trainee will be limited to one renewal.

3. Petitioner is specifically requesting an extension of her pharmacy technician trainee registration in order to be able to take the required examination to become a pharmacy technician that she has been unable to complete due to extenuating personal circumstances.
4. The Board considered the Petition for Waiver at a board meeting on September 16, 2026.

APPLICABLE LAW

5. Pursuant to Iowa Code chapter 17A.9A(2), an agency 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 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.
- 6. The burden of persuasion rests with the person who petitions an agency for the waiver of a rule. Iowa Code § 17A.9A(3).
- 7. Each petition for a waiver will be evaluated by the agency based on the unique, individual circumstances set out in the petition. Iowa Code § 17A.9A(3).
- 8. A waiver, if granted, shall be drafted by the agency so as to provide the narrowest exception possible to the provisions of a rule. Iowa Code § 17A.9A(3).

ANALYSIS OF WAIVER CRITERIA

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

- 9. Application of the rule (i.e., expiration of the pharmacy technician trainee registration) would create an undue hardship on Petitioner as it would not allow her the opportunity to complete the required examination to become a pharmacy technician.

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

- 10. 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:

- 11. 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:

- 12. The public health, safety, and welfare will be afforded by other means if this waiver is granted as the Petitioner will still be required to take the necessary examination to become a pharmacy technician, but will be allowed additional time to do so in light of her personal circumstances.

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 Iowa Code § 17A.9A(2).

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of 481 Iowa Administrative Code chapter 551.7(1) is GRANTED and Petitioner's Pharmacy Technician Trainee Registration is extended until December 31, 2026, to allow Petitioner to take the examination to become a pharmacy technician.

Issued September 16, 2026.

A handwritten signature in black ink, appearing to read 'Erik Maki', is written over a horizontal line.

Erik Maki, PharmD
Chairperson
Iowa Board of Pharmacy

Copy to:
Katrina Phillip
Assistant Attorney General
Iowa Department of Justice
Office of the Iowa Attorney General
1305 E. Walnut Street, 2nd Floor
Des Moines, Iowa 50309
katrina.phillip@ag.iowa.gov