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**561—10.4(17A,455A)** Criteria for waiver. Upon petition of any person and at the sole discretion of the department, the department may issue a waiver from the requirements of a rule if the director or the department in a contested case proceeding finds, based on clear and convincing evidence, all of the following:

- **10.4(1)** The application of the rule would pose an undue hardship on the person for whom the waiver is requested.
- 10.4(2) The waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.
- **10.4(3)** The provisions of a rule subject to a petition for a waiver are not specifically mandated by statute or another provision of law.
- **10.4(4)** 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. [ARC 5516C, IAB 3/10/21, effective 4/14/21]