

**BEFORE THE IOWA BOARD OF CHIROPRACTIC**

IN THE MATTER OF THE PETITION )  
FOR WAIVER BY: )  
Adam Wayne Wacker, D.C. ) Waiver Request No. 18-001  
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**ORDER**

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Pursuant to Iowa Code section 17A.9A and 645 Iowa Administrative Code chapter 18, the Iowa Board of Chiropractic (“Board”) makes the following ruling on Adam Wayne Wacker (“Petitioner”) Petition for Waiver.

**PROCEEDINGS**

1. On March 9, 2018, Petitioner filed a Petition for Waiver requesting a waiver of Iowa Administrative Code rule 645-41.6(2)“d” that governs the requirements for endorsement.
2. Iowa Administrative Code rule 645-41.6(2)“d” requires that an applicant seeking to endorse shows evidence of successful completion of the NBCE examination as outlined in rule 645-41.3.
3. Iowa Administrative Code rule 645-41.3 further provides the applicant taking the examination after January 1, 1996, meets the NBCE criteria as successfully completing Parts I, II, III, IV and Physiotherapy of the examination.
4. Petitioner successfully completed Parts I, II, III and Physiotherapy of the examination in 1997 but did not take Part IV. He applied for licensure in the state of Wisconsin. Wisconsin administered its own jurisprudence examination, which was similar to Part IV of the NBCE examination. Petitioner successfully completed that examination and acquired his Wisconsin license in February 1999.
5. The Board considered the Petition for Waiver at its regularly scheduled board meeting on April 10, 2018.

**APPLICABLE LAW**

6. Requirements for chiropractic endorsement are set forth in Iowa Administrative Code rule 645-41.6.

7. The Board 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 pose 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 a waiver are not specifically mandated by statute or another provision of law;
  - 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. The Board's rules provide that "the burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the Board should exercise its discretion to grant a waiver from a rule." Iowa Admin. Code r. 645-18.10 (2).

#### **ANALYSIS OF WAIVER CRITERIA**

**Would application of the rule create an undue hardship on the person requesting the waiver?**

9. The Board was in consensus that the monetary amount and time required to take Part IV of the national boards would impose an undue hardship on Petitioner.

**Would a waiver prejudice the substantial legal rights of any person?**

10. The Board is not aware of any substantial legal rights of any person being prejudiced by granting this waiver.

**Does the petition seek waiver of a rule mandated by statute?**

11. The requirement found in the Board's administrative rule is not mandated by statute.

**Will substantially equal protection of the public health, safety, and welfare be afforded by a means other than that prescribed in the particular rule for which the waiver is requested?**

12. The Board was in consensus that public health, safety, and welfare would not be adversely affected by granting this waiver. The Petitioner has been actively practicing since 1998 with no evidence disciplinary action has been taken against his license.

**IT IS THEREFORE ORDERED:**

The petition for waiver of Iowa Administrative Code rule 645-41.6(2)"d" is **GRANTED** and the Petitioner may be issued an Iowa license by endorsement.

Appeals from this order may be taken in conformance with Iowa Administrative Code rule 645-18.16.

Dated this 11th day of April, 2018

A handwritten signature in cursive script that reads "Rex Jones". The signature is written in black ink and is positioned above a horizontal line.

Rex Jones, D.C. *en*  
Board Chairperson  
Iowa Board of Chiropractic  
Lucas State Office Bldg., 5th floor  
321 E. 12th St.  
Des Moines, IA 50319-0075