

411-085-0040 Alternative Methods, Waivers

(1)

APPLICATION. While all nursing facilities are required to maintain compliance with the Department's rules, these requirements do not prohibit the use of alternative concepts, methods, procedures, techniques, equipment, facilities, personnel qualifications, or the conducting of pilot projects or research. Requests for waivers to the rules must: (a) Be submitted to the Department in writing; (b) Identify the specific rule for which a waiver is requested; (c) Describe the special circumstances relied upon to justify the waiver; (d) Describe what alternatives were considered, if any, and why alternatives (including compliance) were not selected; (e) Demonstrate the proposed waiver is desirable to maintain or improve the quality of care for the residents, maintains or improves resident potential for self-direction and self-care, and is not going to jeopardize resident health and safety; and (f) Identify the proposed duration of the waiver.

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(2)

APPROVAL PERIOD. Upon finding that the licensee has satisfied the conditions of this rule, the Department may grant a waiver for a specified period of time, not to exceed a period of three years.

(3)

REVOCATION. The Department may revoke any waiver or variance issued by the Department immediately upon finding that the facility's operation under the waiver or variance has endangered, or if continued may endanger, the health or safety of one or more residents.

(4)

IMPLEMENTATION. The facility may implement a waiver only after written approval from the Department.