

## **388-97-3500 Exemptions to new construction requirements**

### **(1)**

The director of residential care services, aging and disability services administration, may grant exemptions to new construction requirements for: (a) Alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and (b) Substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

#### **(a)**

Alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and

#### **(b)**

Substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

### **(2)**

The nursing home must ensure requests for exemptions are in writing and include

any necessary approvals from the local code enforcement authority and the state fire marshal.

**(3)**

The nursing home must ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.