

87824 Waivers and Exceptions

(a)

Unless prior written approval is granted by the Department, as specified in (b) below, all licensees shall maintain continuous compliance with licensing regulations.

(b)

The Department shall have the authority to approve the use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conducting of experimental or demonstration projects under the following circumstances: (1) Such alternatives shall be carried out with provisions for safe and adequate services, and shall in no instance be detrimental to the health and safety of any facility resident. (2) The applicant or licensee shall submit to the Department a written request for a waiver or exception, together with substantiating evidence supporting the request. (3) The Department shall provide written approval or denial of the request.

(1)

Such alternatives shall be carried out with provisions for safe and adequate services, and shall in no instance be detrimental to the health and safety of any facility resident.

(2)

The applicant or licensee shall submit to the Department a written request for a waiver or exception, together with substantiating evidence supporting the request.

(3)

The Department shall provide written approval or denial of the request.

(c)

Within 30 days of receipt of a request for a waiver or an exception, the Department shall notify the applicant or licensee in writing of one of the following:

(1) The request with substantiating evidence has been received and accepted for consideration. (2) The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information. (A) Failure of the applicant or licensee to comply within the time specified shall result in denial of the request.

(1)

The request with substantiating evidence has been received and accepted for consideration.

(2)

The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information. (A) Failure of the applicant or licensee to comply within the time specified shall result in denial of the request.

(A)

Failure of the applicant or licensee to comply within the time specified shall result in denial of the request.

(d)

Within 30 days of notification of an acceptable request for a waiver or exception, the Department shall notify the applicant or licensee in writing whether the request has been approved or denied.