**Section 330.320 Waivers**

a) *Upon application by a facility, the Director may grant or renew the waiver of the facility's compliance with* the Act or this Part *for a period not to exceed the duration of the current license or, in the case of an application for license renewal, the duration of the renewal period.* (Section 3-303.1(a) of the Act)

b) *The waiver may be conditioned upon the facility taking action prescribed by the Director as a measure equivalent to compliance.* (Section 3-303.1(a) of the Act)

c) *In determining whether to grant or renew a waiver, the Director shall consider:*

1) *the duration and basis for any current waiver with respect to* this Part*;*

2) *the validity and effect upon patient health and safety of extending* the waiver *on the same basis;*

3) *the effect upon the health and safety of residents;*

4) *the quality of resident care* (whether the waiver would reduce the overall quality of the resident care below that required by the Act or this Part);

5) *the facility's history of compliance with* the Act and this Part (the existence of a consistent pattern of violation of the Act or this Part); and

6) *the facility's attempts to comply with* this Part*.* (Section 3-303.1(a) of the Act)

d) *The Department* will *renew waivers relating to physical plant standards issued pursuant to the Act at the time of the indicated reviews, unless it can show why* these *waivers should not be extended for the following reasons:*

1) *the condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or*

2) *the facility is renovated or substantially remodeled in such a way as to permit compliance with* this Part *without substantial increase in cost.* (Section 3-303.1(b) of the Act)

(Source: Amended at 48 Ill. Reg. 7397, effective May 3, 2024)