**Section 515.150 Waiver Provisions**

a) *The Department may grant a waiver to any provision of the* *Act or* this Part *for a specified period of time determined appropriate by the Department. The Department may grant a waiver when it can be demonstrated that there will be no reduction in standards of medical care as determined by the EMS* MD *or the Department.* (Section 3.185 of the Act) Waivers shall be valid only for the length of time determined by the Department (see subsection (f)). For either a single or multiple waiver request, the factual basis supporting any waiver must be proven by the applicant.

b) *Any entity may apply in writing to the Department for a waiver to specific requirements or standards for which it considers compliance to be a hardship.* (Section 3.185 of the Act) The application shall contain the following information:

1) The applicant's name, address, and license number (if applicable);

2) The Section of the Act or this Part for which the waiver is being sought;

3) An explanation of why the applicant considers compliance with the Section to be a unique hardship, including:

A) A description of how the applicant has attempted to comply with the Section;

B) The reasons for non-compliance; and

C) A detailed plan for achieving compliance. The detailed plan shall include specific timetables;

4) The period of time for which the waiver is being sought;

5) An explanation of how the waiver will not reduce the quality of medical care established by the Act and this Part; and

6) If the applicant is a System Participant, the applicant's EMS MD shall state in writing whether the EMS MD recommends or opposes the application for waiver, the reason for the recommendation or opposition, and how the waiver will or will not reduce the quality of medical care. The applicant shall submit the EMS MD's statements along with the application for waiver. If the EMS MD does not provide written statements within 30 days after the applicant's request, the EMS MD will be determined to be in support of the application, and the application may be submitted to the Department.

c) An EMS MD may apply to the Department for a waiver on behalf of a System Participant by submitting an application that contains all of the information required by subsection (b), along with a statement signed by the System Participant requesting or authorizing the EMS MD to make the application.

d) The Department will grant the requested waiver if it finds the following:

1) The waiver will not reduce the quality of medical care;

2) Full compliance with the statutory or regulatory requirement at issue is or would be a unique hardship on the applicant;

3) For EMS Personnel seeking a waiver to extend a relicensure date in order to complete relicensure requirements:

A) The EMS Personnel has previously received no more than one extension since last relicensure; and

B) The EMS Personnel has not established a pattern of seeking extensions (e.g., waivers sought based on the same type of hardship in two or more previous license periods);

4) For an applicant other than EMS Personnel:

A) The applicant has previously received no more than one waiver of the same statutory or regulatory requirement during the current license or designation period;

B) The applicant has not established a pattern of seeking waivers of the same statutory or regulatory requirement during previous license or designation period; and

C) The Department finds that the hardship preventing compliance with the particular statutory or regulatory requirement is unique and not of an ongoing nature;

5) For a hospital requesting a waiver to participate in a System other than that in which the hospital is geographically located:

A) Documentation that transfer patterns support the request; and

B) Historic patterns of patient referrals support the request.

e) When granting a waiver, the Department will specify the statutory or regulatory requirement that is being waived, any alternate requirement that the waiver applicant shall meet, and any procedures or timetable that the waiver applicant shall follow to achieve compliance with the waived requirement.

f) The Department will determine the length of any waiver that it grants, based on the nature and extent of the hardship and will consider the medical needs of the community or areas in which the waiver applicant functions.

g) The Department will grant a waiver of Section 515.830(a)(1) for a vehicle that changes ownership if the vehicle meets the requirements of the U.S. General Services Administration's "Specifications for Ambulance" (KKK-A-1822D or KKK-A-1822E).

(Source: Amended at 48 Ill. Reg. 16159, effective November 1, 2024)