### **Section 146.300 Waivers**

a) The Department may grant a waiver from specified provisions of this Subpart B if the applicant or SLF can demonstrate that an alternative is available to ensure the residents' health, safety and welfare.

b) An applicant or SLF shall submit a written request for a waiver that includes:

1) The applicant's or SLF's name and address;

2) The specific Section of this Part for which the applicant or SLF is requesting a waiver;

3) The reason or reasons why an applicant or SLF is not able to comply with the requirements;

4) An alternative, if applicable, that ensures that the health, safety and welfare of residents are protected; and

5) The duration of the waiver.

c) The Department shall evaluate a request for a waiver as follows:

1) Review the written request;

2) Verify the submitted documentation;

3) If the requested waiver involves a physical plant requirement, inspect the SLF; and

4) If applicable, discuss the waiver with the SLF's owner, manager or manager's designee, residents or representatives, or any individual the Department determines is necessary to evaluate the request.

d) The Department shall provide a written notice of approval or denial to the applicant or SLF within 90 days after receipt of the request for a waiver.

e) The Department shall withdraw an approved waiver if:

1) An SLF does not comply with the conditions of the waiver as approved by the Department;

2) The Department determines that the health, safety or welfare of residents is not protected by the waiver;

3) The condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is no longer applicable;

4) The SLF is renovated or remodeled in such a way as to permit compliance;

5) The Department determines the waiver would render the SLF noncompliant with other regulations or codes (i.e., local, State or federal requirements).

f) The Department may limit the time period that a waiver is in effect.

(Source: Added at 29 Ill. Reg. 4360, effective March 7, 2005)