

**481—41.5(135H) Waivers.** Waivers from these rules may be granted by the director of the department:

1. When the need for a waiver has been established; and
2. When there is no danger to the health, safety, welfare or rights of any child.

The waiver will apply only to a specific PMIC.

Waivers shall be reviewed at the time of each licensure survey by the department to determine continuing need.

**41.5(1)** To request a waiver, the licensee must:

- a.* Apply in writing on a form provided by the department;
- b.* Cite the rule or rules from which a waiver is desired;
- c.* State why compliance with the rule or rules cannot be accomplished;
- d.* Explain how the waiver is consistent with the individual program plans; and
- e.* Demonstrate that the requested waiver will not endanger the health, safety, welfare or rights of any child.

**41.5(2)** Upon receipt of a request for waiver, the director shall:

- a.* Examine the rule from which the waiver is requested;
- b.* Evaluate the requested waiver against the requirement of the rule to determine whether the request is necessary to meet the needs of the children; and
- c.* Examine the effect of the requested waiver on the health, safety or welfare of the children.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]