

**481—64.2(135C) Waivers.** Waivers from these rules may be granted by the director of the department of inspections and appeals for good and sufficient reason when the need for a waiver has been established; no danger to the health, safety, or welfare of any resident results; alternate means are employed or compensating circumstances exist and the waiver will apply only to an individual intermediate care facility for the intellectually disabled. Waivers will be reviewed at the discretion of the director of the department of inspections and appeals.

**64.2(1)** To request a waiver, the licensee must:

- a.* Apply for a waiver 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 alternate arrangements or compensating circumstances which justify the waiver;
- e.* Demonstrate that the requested waiver will not endanger the health, safety, or welfare of any resident.

**64.2(2)** Upon receipt of a request for a waiver, the director of the department of inspections and appeals will:

- a.* Examine the rule from which a waiver is requested to determine that the request is necessary and reasonable;
- b.* If the request meets the above criteria, evaluate the alternate arrangements or compensating circumstances against the requirement of the rules;
- c.* Examine the effect of the requested waiver on the health, safety, or welfare of the residents;
- d.* Consult with the applicant if additional information is required.

**64.2(3)** Based upon these studies, approval of the waiver will be either granted or denied within 120 days of receipt.

[ARC 0764C, IAB 5/29/13, effective 7/3/13; ARC 5719C, IAB 6/16/21, effective 7/21/21]