

**561—10.2(17A,455A) Authority.** A waiver or variance from rules adopted by the department may be granted in accordance with this chapter if:

**10.2(1)** The department has exclusive rule-making authority to promulgate the rule from which waiver or variance is requested or has final decision-making authority over a contested case in which a waiver or variance is requested; and

**10.2(2)** The waiver or variance is consistent with any applicable statute, constitutional provision, or other provision of law. In addition, this subrule does not authorize the department to waive or vary any requirement created or duty imposed by statute.