**Section 295.1080 Waivers**

a) The Department may grant a waiver from this Part if the licensee or applicant can demonstrate that an alternative is available to ensure the residents' health, safety, and welfare.

b) An applicant or licensee shall submit a written request for a waiver on a Department-provided form that includes:

1) The applicant's or licensee's name;

2) The name, address, and license number, if applicable, of the assisted living or shared housing establishment;

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

4) The reason or reasons why an applicant is not able to comply with the requirement; and

5) An alternative that ensures that the health, safety, and welfare of residents are protected.

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 establishment; and

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

d) If the Department issues a waiver, the Department shall provide a written notice to the applicant or licensee within 90 days after receipt of the request for a waiver.

e) The Department shall issue a notice of denial within 90 days if the Department determines that the proposed alternative does not ensure that the health, safety and welfare of the residents are protected.

f) The Department shall withdraw a waiver if:

1) A licensee 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 materially different; or

4) The establishment is renovated or remodeled in such a way as to permit compliance.

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