**Section 390.320 Waivers**

a) *Upon application by a facility, the Director may grant or renew the waiver of the facility's compliance with a rule or standard for a period not to exceed the duration of the current license or, in the case of an application for license renewal, the duration of the renewal period.* (Section 3-303.1 of the Act)

b) *The waiver may be conditioned upon the facility taking action prescribed by the Director as a measure equivalent to compliance.* (Section 3-303.1 of the Act)

c) *In determining whether to grant or renew a waiver, the Director shall consider:*

1) *The duration and basis for any current waiver with respect to the same rule or standard and the validity and effect upon patient health and safety of extending it on the same basis;*

2) *The effect upon the health and safety of residents;*

3) *The quality of resident care* (whether the waiver would reduce the overall quality of the resident care below that required by the Act or this Part);

4) *The facility's history of compliance with* the Act *and this Part* (the existence of a consistent pattern of violation of the Act or this Part); *and*

5) *The facility's attempts to comply with the particular rule or standard in question.* (Section 3-303.1 of the Act)

d) *The Department shall renew waivers relating to physical plant standards issued pursuant to* the Act and this Section *at the time of the indicated reviews, unless it can show why the waivers should not be extended for the following reasons:*

1) *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*

2) *The facility is renovated or substantially remodeled in such a way as to permit compliance with the applicable rules and standards without substantial increase in cost.* (Section 3-303.1 of the Act)

(Source: Amended at 43 Ill. Reg. 3564, effective February 26, 2019)