(h) Except as provided in 7 AAC 12.150(h), the department may waive compliance with, or grant a variance from, a requirement in this section if the commissioner determines that an equivalent alternative is provided and the safety and well-being of patients is assured. If a facility wishes to obtain a waiver or variance, its governing body must apply in writing to the commissioner and must include in the application:

(1) the justification for the waiver;

(2) an explanation of the reasons why the particular requirement cannot be satisfied;

(3) a description of the equivalent alternative proposed; and

(4) if the application for waiver involves fire safety or other municipal or state requirements, evidence that it has been reviewed by the appropriate municipal or state authorities.