2.I. Waiver Provisions

Where structural changes in an existing facility are necessary for such facility to comply with the provisions of these regulations and the change would result in an unreasonable hardship to the owners or operators, the Department may grant a waiver of one or more of the specific provisions of these regulations to an operator or owner, in accordance with the following requirements:

2.I.1. Prior to the issuance or renewal of any license, the facility must make written application requesting a waiver to the Department. Such application shall contain a written justification for the request and shall state the specific provisions of these regulations for which a waiver is being requested, and shall document what steps the facility is taking or will take to bring such facility into compliance with those provisions of these regulations, for which a waiver is requested.

2.I.2. The Department may request additional information before making a decision as to granting or denying an application for a waiver.

2.I.3. No waiver shall extend beyond the term of the license and a new waiver shall be required when the license of the facility is renewed. Failure of a facility to implement reasonable steps in order to bring the facility into conformance with these regulations shall be grounds for the denial of a waiver.

2.I.4. No waiver or waivers shall be granted if there would be an adverse effect to the health or safety of the residents of a facility.

2.I.5. The facility will be notified in writing when a waiver is granted, and the specific area for which a waiver has been granted shall be noted on the license.

20.A. Structure

20.A.1. Requirements for Each Facility

u. Be accessible to and functional for residents, personnel and the public. All facilities shall comply with all Federal and State regulations regarding access and usability by the physically handicapped. At the discretion of the Department, time-limited waivers for existing facilities may be requested.

20.A.2. Elevators and Dumbwaiters

Each facility shall:

a. Have an elevator if beds are located on floors above street level;

b. Have the installation and maintenance of elevators, chair glides, and dumbwaiters comply with all applicable codes;

c. Assure that elevators are of sufficient size to accommodate a wheeled stretcher.
At the discretion of the Department, time-limited waivers for existing facilities may be requested.

**ALZHEIMER’S/DEMENTIA CARE UNITS**

d. Waivers

1. All physical plant construction or conversion waivers for existing Alzheimer’s/Dementia Care Units are to be submitted in accordance with Chapter 2.I. of these regulations.

2. Any new construction or bed conversions for Alzheimer’s/Dementia Care Units approved after the effective date of these regulations are not eligible for waivers.