1 Life Safety from Fire

(a) The facility must meet the applicable provisions of the Vermont Fire Prevention and Building Code.

(b) After consideration of state licensing agency findings, the Vermont Department of Labor and Industry may waive specific provisions of the Vermont Fire Prevention and Building Code which, if rigidly applied, would result in unreasonable hardship upon the facility, but only if the waiver does not adversely affect the health and safety of residents or personnel.

1.5 Variances from these Rules

(a) In accordance with 33 V.S.A. §7106, the department may grant a variance from any provision of these rules if it determines that:

(1) strict compliance would impose substantial hardship on the licensee;

(2) the licensee will otherwise meet the goal of the rule; and

(3) a variance will not result in less protections of the health, safety and welfare of the residents.

(b) A variance will not be granted from a rule pertaining to residents’ rights.

(c) Separate federal variance procedures may apply for provisions of these rules also contained in federal nursing facility regulations.

(d) Variances from requirements related to fire safety and building construction standards regulated by the Vermont Department of Labor and Industry must be requested from that Department.