37. **Waiver or Variance.** A waiver or variance to these rules and minimum standards in whole or in part that may be granted under the following conditions: (12-31-91) a. Good cause is shown for such waiver and the health, welfare or safety of patients/residents will not be endangered by granting such a waiver; (1-1-88) b. Precedent shall not be set by granting of such waiver. The waiver may be renewed annually if sufficient written justification is presented to the Licensing Agency.

02. **Minimum Staffing Requirements.**

f. Waiver of Registered Nurse as Supervising or Charge Nurse. In the event that a facility is unable to hire registered nursing personnel to meet these regulation requirements, a licensed practical nurse will satisfy the requirements so long as: (1-1-88) i. The facility continues to seek a registered nurse at a compensation level at least equal to that prevailing in the community; (1-1-88) ii. A documented record of efforts to secure employment of registered nursing personnel is maintained in the facility; (1-1-88) iii. The facility shall maintain at least forty (40) hours a week R.N. coverage. (1-1-88)