
1.7. Variances From This Rule. 1.7.a. The department may grant a variance from any provision of this rule if it determines that: 1.7.a.1. Strict compliance would impose a substantial hardship on the licensee; 1.7.a.2. The licensee will otherwise meet the goal of the rule; and 1.7.a.3. A variance will not result in less protection of the health, safety and welfare of the residents. 1.7.b. A variance shall not be granted from a provision pertaining to residents' rights. 1.7.b.1. Separate federal variance procedures may apply for provisions of this rule and are contained in the federal nursing home regulations. 1.7.b.2. Requests for variances from West Virginia fire safety and building construction requirements shall be addressed to the appropriate authorities. 1.8. Enforcement. -- This rule is enforced by the secretary of the Department of Health and Human Resources or his or her lawful designee.