



Ohio Administrative Code Rule 3701-83-14 Variances; waivers.

Effective: July 1, 2016

(A) The director may grant a variance or waiver from any building or safety requirement established by Chapter 3701-83 of the Administrative Code, unless the requirement is mandated by statute.

(B) An HCF seeking a variance or waiver must submit a written request to the director. Such written request must include the following information:

(1) The specific nature of the request and the rationale for the request;

(2) The specific building or safety requirement in question, with a reference to the relevant administrative code provision;

(3) The time period for which the variance or waiver is requested;

(4) If the request is for a variance, a statement of how the HCF will meet the intent of the requirement in an alternative manner; and

(5) If the request is for a waiver, a statement regarding why application of the requirement will cause undue hardship to the HCF and why granting the waiver will not jeopardize the health and safety of any patient.

(C) Upon written request of the HCF the director may grant:

(1) A variance if the director determines that the requirement has been met in an alternative manner;
or

(2) A waiver if the director determines that the strict application of the license requirement would cause an undue hardship to the HCF and that granting the waiver would not jeopardize the health and safety of any patient.



(D) The director may stipulate a time period for which a variance or a waiver is to be effective and may establish conditions that the HCF must meet for the variance or waiver to be operative. Such time period may be different than the time period sought by the HCF in the written variance or waiver request.

(E) The director may establish conditions that the HCF must meet for the variance or waiver to be operative. The director may, in the director's discretion, rescind the waiver or variance at any time upon determining that the HCF is not meeting such conditions.

(F) The refusal of the director to grant a variance or waiver, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

(G) The granting of a variance or waiver by the director shall not be construed as constituting precedence for the granting of any other variance or waiver. All variance and waiver requests shall be considered on a case-by-case basis.