



Ohio Administrative Code

Rule 5122-25-10 Waivers and variances.

Effective: August 1, 2026

- (A) The department may grant a waiver or variance from any certification standard in rules, or portion thereof, for a period of time determined by the department. The period of time is not, however, to exceed the expiration date of the current certification. Requests for waivers and variances that would adversely affect the quality of services, client rights, or the health and safety of clients will not be granted. The department will not grant a waiver or variance from any statutory mandate.
- (B) A waiver or variance is to be requested by an individual provider in writing using the form prescribed for this purpose available on the department's website.
- (C) Within thirty days of receipt of the written request, the department is to do either of the following:
 - (1) Provide, in writing, a specific response to the request; or
 - (2) Provide, in writing, an estimate to the provider of the timeframe in which the department will be able to provide a specific response to the request.
- (D) Once a waiver or variance has expired as described in paragraph (A) of this rule, a provider may submit a request for a new waiver or variance by following the procedure in paragraph (B) of this rule. That procedure is to be followed regardless of whether the new waiver or variance request is or is not identical to a prior waiver or variance request the provider has been granted. All other paragraphs of this rule apply with respect to the department's review and determination on the new waiver or variance request.
- (E) The department's refusal to grant a waiver or variance, in whole or part, is final and not subject to an adjudication under Chapter 119. of the Revised Code.