

5123:2-3-10 **Licensed residential facilities - procedures to waive rule requirements.**

(A) Purpose

This rule sets forth procedures for a licensee to request and the department to consider waiving a condition or specific requirement of a rule in Chapter 5123:2-3 of the Administrative Code or a rule in other chapters of the Administrative Code adopted by the department to license or regulate the operation of residential facilities.

(B) Definitions

- (1) "Business day" means a day of the week, excluding Saturday, Sunday, or a legal holiday as defined in section 1.14 of the Revised Code.
- (2) "Department" means the Ohio department of developmental disabilities.
- (3) "Director" means the director of the Ohio department of developmental disabilities or his or her designee.
- (4) "Licensee" has the same meaning as in section 5123.19 of the Revised Code.
- (5) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(C) Procedures

- (1) For adequate reasons and when requested in writing by a licensee, the director may waive a condition or specific requirement of a rule in Chapter 5123:2-3 of the Administrative Code or a rule in other chapters of the Administrative Code adopted by the department to license or regulate the operation of residential facilities.
- (2) The director may require or solicit input regarding the licensee's request for a rule waiver from individuals living in the residential facility, the individuals' guardians, or the county board of developmental disabilities for the county in which the residential facility is located.
- (3) The director shall grant or deny a request for a rule waiver within ten business days of receipt of the request or within such longer period of time as the director deems necessary and may put whatever conditions on the rule waiver as are determined to be necessary.
- (4) Approval to waive a condition or specific requirement shall not be contrary to the rights, health, or safety of the individuals living in the residential facility.
- (5) The decision to grant or deny a rule waiver is final and may not be appealed.

Replaces: 5123:2-3-15
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CERTIFIED ELECTRONICALLY

Certification

02/29/2016

Date

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