

2150.7610 WAIVERS AND VARIANCES.

Subpart 1. **Application.** A licensee or applicant for licensure may petition the board for a waiver or variance of any rule except for any part of a rule which incorporates a statutory requirement. The petition shall be on a form prescribed by the board, and shall be accompanied by the applicable fee. The waiver or variance shall be granted if:

- A. adherence to the rule would impose an undue burden on the petitioner;
- B. the granting of a waiver or variance will not adversely affect the public welfare; and
- C. in the case of a variance, the rationale for the rule in question can be met by alternative practices or measures specified by the petitioner.

Subp. 2. **Renewal, reporting, and revocation.** A waiver or variance shall be renewed upon reapplication according to the procedure described in subpart 1 if the circumstances justifying its granting continue to exist. Any petitioner who is granted a waiver or variance shall immediately notify the board in writing of any material change in the circumstances that justify its granting. A waiver or variance shall be revoked if a material change in the circumstances that justify its granting occurs or, in the case of a variance, if the petitioner has not complied with the alternative practices or measures specified in the petition.

Subp. 3. **Burden of proof.** The burden of proof is upon the petitioner to demonstrate to the board that the requirements in subpart 1 have been met.

Subp. 4. **Statement of reasons.** The minutes of any meeting at which a waiver or variance is granted, denied, renewed, or revoked must include the reason for the action.

Statutory Authority: *MS s 148B.52*

History: *30 SR 345*

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