

**4655.1010 CRITERIA FOR EVALUATION.**

The decision to grant or deny a variance or waiver shall be based on the department's evaluation of the following criteria:

A. the variance or waiver will not adversely affect the health, treatment, comfort, safety, or well-being of a patient or resident;

B. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the rules; and

C. compliance with the rule or rules would impose an undue burden upon the applicant.

**Statutory Authority:** *MS s 144.56; 144A.02 to 144A.08*

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