

Policy Title: **VARIANCE/WAIVER REQUESTS**

No. V - 1

Board Approval: 3/14/19

Effective: 3/14/19

Supersedes: 10/1/04

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Citation: Title 77: Public Health Chapter I: Department of Public Health Subchapter f: Emergency Services and Highway Safety Part 515 Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code Section 515.150 WAIVER PROVISIONS (Source: Amended at 42 Ill. Reg. 17632, effective September 20, 2018)

I. POLICY

- A. (a) "The Department may grant a waiver to any provision of the Act or this Part for a specified period of time determined appropriate by the Department. The Department may grant a waiver when it can be demonstrated that there will be no reduction in standards of medical care as determined by the EMS MD or the Department. (Section 3.185 of the Act). Waivers shall be valid only for the length of time determined by the Department (see subsection (f). For either a single or multiple waiver request, the burden of proof as to the factual basis supporting any waiver shall be on the applicant."
- B. (b) *Any entity may apply in writing to the Department for a waiver to specific requirements or standards for which it considers compliance to be a hardship* (Section 3.185 of the Act)
- C. Similarly, the NWC EMSS will consider waivers of System-specific discretionary requirements for a specified period of time, consistent with practices adopted by IDPH, as determined appropriate by the EMS Medical Director (EMS MD) or his designee for any provisions in System Policies if it can be demonstrated that there is hardship to a Provider and that there will be no reduction in standards of EMS care.
- D. When the variance request involves a requirement of state statute or rules, the EMS MD shall forward his recommendations to IDPH along with the completed Variance Request form per EMS Rules. If the variance involves System-specific standards or discretionary requirements, the EMS MD shall consider and make a decision relative to the request based on the same criteria as listed in the EMS Rules.

II. PROCEDURE for requesting a System Variance

- A. c) An EMS MD may apply to the Department for a waiver on behalf of a System Participant by submitting an application found on the IDPH website, that contains all of the information required by subsection (b), along with a statement signed by the System Participant requesting or authorizing the EMS MD to make the application. The EMS MD shall state in writing whether he recommends or opposes the application for waiver, his reason for such recommendation or opposition, and his statement of how the waiver will or will not reduce the standards of medical care established by the EMS Act or the Rules.
- B. **The Variance application shall include:**
 1. The applicant's name, address, and license number (if applicable);
 2. The Section of the Act or this Part for which the waiver is being sought;
 3. An explanation of why the applicant considers compliance with the Section to be a unique hardship, including:
 - a. A description of how the applicant has attempted to comply with the Section;
 - b. The reasons for non-compliance; and
 - c. A detailed plan for achieving compliance. The detailed plan shall include specific timetables;
 4. The period of time for which the waiver is being sought;
 5. An explanation of how the waiver will not reduce the quality of medical care established by the Act and this Part; and

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6. If the applicant is a System Participant, the applicant's EMS MD shall state in writing whether he or she recommends or opposes the application for waiver, the reason for the recommendation or opposition, and how the waiver will or will not reduce the quality of medical care established by the Act and this Part. The applicant shall submit the EMS MD's statements along with the application for waiver. If the EMS MD does not provide written statements within 30 days after the applicant's request, the EMS MD will be determined to be in support of the application, and the application may be submitted to the Department.
- C. The Department will grant the requested waiver if it finds the following:
1. The waiver will not reduce the quality of medical care established by the Act and this Part;
 2. Full compliance with the statutory or regulatory requirement at issue is or would be a unique hardship on the applicant;
 3. For EMS Personnel seeking a waiver to extend a relicensure date in order to complete relicensure requirements:
 - a. The EMS Personnel has previously received no more than one extension since his or her last relicensure; and
 - b. The EMS Personnel has not established a pattern of seeking extensions (e.g., waivers sought based on the same type of hardship in two or more previous license periods);
 4. For an applicant other than EMS Personnel:
 - a. The applicant has previously received no more than one waiver of the same statutory or regulatory requirement during the current license or designation period;
 - b. The applicant has not established a pattern of seeking waivers of the same statutory or regulatory requirement during previous license or designation period; and
 - c. The Department finds that the hardship preventing compliance with the particular statutory or regulatory requirement is unique and not of an ongoing nature;
 5. For a hospital requesting a waiver to participate in a System other than that in which the hospital is geographically located:
 - a. Documentation that transfer patterns support the request; and
 - b. Historic patterns of patient referrals support the request.
- D. When granting a waiver, the Department will specify the statutory or regulatory requirement that is being waived, any alternate requirement that the waiver applicant shall meet, and any procedures or timetable that the waiver applicant shall follow to achieve compliance with the waived requirement.
- E. The Department will determine the length of any waiver that it grants, based on the nature and extent of the hardship and will consider the medical needs of the community or areas in which the waiver applicant functions.
- F. The Department will grant a waiver of Section 515.830(a)(1) for a vehicle that changes ownership if the vehicle meets the requirements of the U.S. General Services Administration's "Specifications for Ambulance" (KKK-A-1822D or KKK-A-1822E).

Northwest Community EMS System System-Specific WAIVER REQUEST

Date Submitted:	EMS Agency:
Name of person filing request:	Address:
Phone:	e-mail:
Situation necessitating waiver: (explain hardship including a description of how you have attempted to comply with the standards):	
How many waivers have you already been granted for this same requirement? <input type="checkbox"/> None <input type="checkbox"/> 1 <input type="checkbox"/> More than one Date of original waiver :	
Time requested for this waiver request: From	To:
Explain how the waiver will not reduce the standards of care established by the EMS Act or the EMS Medical Director:	

To be completed by the EMS Medical Director / designee

Date Received:	Determination: [] Accepted [] Denied
Authorized from:	to:
Alternate requirements that the waiver applicant shall meet; any procedures or timetable that the waiver applicant shall follow in order to achieve compliance with the waived standard/regulation.	
If denied - rationale:	
Communicated to:	By:
Signature:	Date: