**Section 300.7080 Variances to Enhance Residents' Quality of Life**

a) The Department will consider requests for variances from this Part where the variance will enhance the residents' quality of life. The variance shall be requested in writing and shall contain the following information:

1) Facility contact person;

2) The specific Section of this Part from which the applicant is requesting a variance;

3) The proposed alternative plan, service, or approach to meet the needs of the residents;

4) The benefit to the residents if the variance is approved; and

5) The facility plan to evaluate the effectiveness of the variance in meeting the residents' needs, including eliciting insights from residents, residents' families, and residents' representatives.

b) The facility shall not implement the variance prior to receiving written approval from the Department.

c) The Department will advise the facility in writing if the variance is approved, denied or approved with conditions or limitations within 90 days after receipt of the request. The Department's decision to approve, deny, or approve the variance with conditions or limitations shall be based on whether the proposed alternative provides an equivalent level of care and safety to the residents.

d) Variances will not be granted for statutory requirements.

(Source: Added at 28 Ill. Reg. 14623, effective October 20, 2004)