

Variance Protocol for Providers

12VAC35-105-120. Variances.

The commissioner may grant a variance to a specific regulation if he determines that such a variance will not jeopardize the health, safety or welfare of individuals and upon demonstration by the provider requesting such variance that complying with the regulation would be a hardship unique to the provider. A provider shall submit a request for a variance in writing to the commissioner. A variance may be time limited or have other conditions attached to it. The department must approve a variance prior to implementation.

Procedure:

1. The Provider will complete a request for a variance utilizing the department's approved "**Variance Request Form**".
2. The **Provider** will forward the completed variance request form via email to the assigned **Licensing Specialist**. (The variance will not go directly from the provider to the Commissioner. It will be forwarded to the Commissioner to make a determination by Central Office Staff.
3. The **Licensing Specialist** will forward the variance request via email to the **Regional Manager** to follow office protocol for forwarding to the Commissioner's office for a determination.
4. The **Executive Assistant to the Commissioner** will email the Licensing Administrative Staff and the Assistant Commissioner when the Commissioner has completed his decision. A determination will be made by the Commissioner within five (5) business days via email to the Assistant Commissioner.
5. The **Assistant Commissioner** will forward the Commissioner's decision via email to the **Licensing Director and Administrative Staff**.
6. The **Administrative Staff** will notify the **Licensing specialist** by forwarding the decision email to them and copying the Regional Manager and Assoc. Director.
7. The **Licensing Specialist** will send out a **Variance Decision Format** to the **Provider**, utilizing the approved template, notifying the provider of the approval or denial of the variance.