
INFORMATIONAL LETTER

TRANSMITTAL: 91 INF-31

DIVISION: Adult Services

TO: Commissioners of
 Social Services

DATE: June 17, 1991

SUBJECT: Family Type Homes for Adults: Revised Waiver Request
 Process

SUGGESTED

DISTRIBUTION: Directors of Services
 Family Type Homes for Adults Coordinators
 Adult Services Staff
 Staff Development Coordinators

CONTACT PERSON: Questions concerning the waiver process should be
 directed to Sharon Lane at 1-800-342-3715, ext.
 432-2985. Questions concerning specific waivers
 in individual Family Type Homes should be directed
 to Thomas Burton at extension 432-2987.

ATTACHMENTS: Family Type Home for Adults - Request for Waivers
 (DSS-4259) (Not Available On Line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
85 ADM-36		Part 458	Sec.460-c.7		90 LCM-179
89 ADM-22		Part 489			

In accordance with Section 489.3(d) of the Department's regulations, the Department may waive Family Type Home for Adults (FTHA) regulatory requirements which are not mandated by law. Waivers are intended to give FTHA operators an opportunity to propose and receive approval to initiate an alternative way of complying with a standard not required by law. Without such approval from the local district or the Department, an operator is not considered to be in compliance with the applicable standard. Waivers may be requested as part of the certification process, while holding a valid operating certificate or as a plan of corrective action in response to a violation following the issuance of an inspection report.

In accordance with 85 ADM-36, the local district, rather than the Department, may, as appropriate, grant waivers for or approve directly:

1. other employment of the operator, 489.3(b)(9);
2. designated substitute caretakers, 489.3(b)(10);
3. use of space in a certified home for other activities in accordance with specified conditions, 489.12(b);
4. renovation or remodeling of a home, 489.12(c);
5. grab bars in bathrooms, 489.12(m)(7);
6. the use of solid fuel burning stoves with specified conditions, 489.12(n)(4)(vii); and
7. location of toilets and lavatories not on same floor as resident bedrooms, 489.12(f)(2)(iii).

All other FTHA waiver requests must be reviewed by the Department.

In accordance with Section 489.3 (d) of the Department's regulations, requests for waivers must include the following information:

1. the specific regulation for which a waiver is sought;
2. the reason the waiver is desirable or necessary; and
3. a description of what will be done to achieve or maintain the intended outcome of the regulation and protect the health and safety of residents.

In 90 LCM-179, local districts were advised of changes to the certification and waiver review processes for Family Type Homes for Adults. Effective November 2, 1990, all new and renewal applications for FTHAs, information pertaining to closings and other changes in FTHA operating certificates, and waiver requests requiring Department approval were to be sent directly to the Division of Adult Services Central Office, rather than to our Regional Offices.

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Prior to this change in the waiver process, requests for waivers were submitted to the Regional Offices on a form developed by the Division of Adult Services. The recent change has necessitated the development of a revised form which reflects the submission of waiver requests directly to the Division's Central Office.

A copy of the revised form (DSS-4259) is attached to this transmittal. As part of their responsibility to provide supervision and support to FTHA operators, pursuant to Part 458 of the Department's regulations and 89 ADM-22, local district staff should provide any necessary assistance to enable operators to correctly complete waiver requests.

William E. Gould
Acting Deputy Commissioner
Division of Adult Services