

BENCO
24 Hour
POLICIES AND PROCEDURES

SUBJECT: VARIANCES

OAR: 411-325-0110 (1) (2) a-d (3) (4) (5) (6) and (7)

POLICY:

(1) The State will grant a variance to these rules based upon a demonstration by Benco that an alternative method or different approach provides equal or greater effectiveness and does not adversely impact the welfare, health, safety, or rights of the individuals or violate state or federal laws.

PROCEDURES:

- Variance 411-325-0110 (1) (2) a-d (3) (4) (5) (6) and (7)
 - **(2) a-d** When requesting a variance Benco will submit a written application to the County that contains the following: the section of the rule from which the variance is sought; the reason for the proposed variance; the alternative practice, service, method, concept, or procedure proposed. If the variance applies to the services for an individual, evidence that the variance is consistent with the currently authorized Individual Support Plan for the individual will be included.
 - **(3)** The County will forward the signed variance request form to the State within 30 days from the receipt of the request indicating the position of the County on the proposed variance.
 - **(4)** The request for a variance is approved or denied by the State. The decision of the State is sent to Benco, the County, and to all relevant programs or offices within 30 days from the receipt of the variance request.
 - **5)** Benco will request an administrative review of the denial of a variance request. The State will receive a written request for an administrative review within 10 business days from the receipt of the denial. Benco will send a copy of the written request for an administrative review to the County. The decision of the Director is the final response from the State.
 - **(6)** The duration of the variance is determined by the State.

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- **(7)** Benco will implement a variance only after written approval from the State.

Approved By: Kristen Gregory
Kristen Gregory, Benco Board President

Date: 12-10-2019