**16 DEPARTMENT OF PUBLIC SAFETY**

**163 BUREAU OF EMERGENCY MEDICAL SERVICES (MAINE EMS)**

**CHAPTER 13: WAIVER OF RULES**

1. Upon the request of an individual, organization or on the Board's own initiative, the Board may waive any of these Rules by a two-thirds majority vote of those present and voting and by no less than a majority of the appointed and currently serving members, if it determines that such a waiver would avert a significant injustice while preserving the public safety and the integrity of the statutory and regulatory components of the State's EMS system.
2. When determining whether to waive a rule, the Board will consider a number of factors including, but not necessarily limited to, the following:
	1. Whether the person or organization seeking the waiver took reasonable steps to ascertain the rule and comply with it;
	2. Whether the person or organization seeking the waiver was given inaccurate information by an agent or employee of the State EMS program;
	3. Whether the person or organization seeking the waiver, or any other individual or group, would be significantly injured or harmed if the rule were not waived;
	4. Whether waiver of the rule in the particular case would pose a health or safety risk to the public at large or a particular individual or community; and
	5. Whether waiver of the rule in the particular case would establish a precedent that would unduly hinder the Board or office of EMS in its administration of Maine's EMS system.
3. A waiver is to be granted only under extraordinary circumstances. This means that the Board must find a number of the above factors weighing in favor of a waiver before it is granted.
4. The Board shall notify any person or organization requesting a waiver of its decision to grant or deny this request. The notice shall include a brief summary of the reasons for the Board’s decision.
5. Any decision by the Board to deny a waiver may be appealed by the person or organization seeking the waiver, in the manner prescribed in Chapter 12 of the Rules.

AUTHORITY: 32 M.R.S., Chapter 2-B.

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 December 25, 1982 - Sec. 2.31, 3131, 6.311, 6.63 and 6.73

January 1, 1984 - Sec. 1, 2, 3, 5, 6, 8.32, 10.2, 10.3, 11.1066, 11.1067

 April 30, 1985 - Sec. 1, 2.846.222, 6.332, 9.313, 8.3216 and 9.11

 January 1, 1986 - Sec. 1, 6. 8.15, 8.2, 8.3, 8.4 and 11.103

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