

## REQUEST FOR ADMINISTRATIVE RULE VARIANCE

<b>NAME:</b>	First	Middle	Last
<b>LICENSE #</b>			
<b>MAILING ADDRESS:</b>			

1. This form may be used by a Board licensee or applicant to request an administrative variance from Minnesota Rules 5300.0100-5300.0355. **Type or print clearly. Complete all sections.**
2. If additional information is required for any question, or submitting additional documents in support of your request, include your printed name on each additional page.
3. Mail or email request to the address or email printed above. Keep a copy of all documents submitted.

Pursuant to Minn. Rule 5300.0340, a variance may be granted when the Board determines that the licensee/applicant has:

- (a) Specified alternative practices or measures equivalent to or superior to the rule in question;
- (b) The rationale for the rule in question can be met or exceeded by the specified alternatives practice or measure;
- (c) Adherence to the rule would impose an undue burden on the licensee/applicant; and
- (d) Granting of the variance will not adversely affect the public welfare.

Please review Rule 5300.0340 (see page 3) and refer to rule standards when completing this variance request form.

1. Cite the specific rule (rule number and title) for which you are requesting a variance. Use a separate request form for each rule variance. (See Board website: <https://mn.gov/boards/marriage-and-family/lawsandrules/>.)

2. State the reason for this request.

<p>3. State the alternative practice or equivalent measure you propose as variance from the rule listed in #1 and describe how it meets or exceeds the rationale for the rule. (Rule Subpart 1(A))</p>
<p>4. Describe how adherence to the rule imposes an undue burden <b><i>on you.</i></b> (Rule Subpart 1(B))</p>
<p>5. Address how alternative practice or equivalent measure does not adversely affect public welfare. (Rule Subpart 1(C))</p>
<p>6. State the period of time the variance is requested.</p>

<p><b>I request the MN Board of MFT's review and approval of this variance request.</b>  <b>Signature:</b></p>	<p><b>Date:</b></p>
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FOR BOARD USE ONLY	
<b>VARIANCE:</b>	<div style="display: flex; justify-content: space-around;"> <span>APPROVED</span> <span>DENIED</span> </div>
VARIANCE APPROVED	VARIANCE DENIED
Variance Effective (Date):	Reason for denial:
<p>ALTERNATIVE PRACTICE / BOARD REQUIREMENTS:</p>	
<p>Authorized Signature:</p>	<p>Date:</p>

**Administrative Rule 5300.0340 VARIANCE.**

**Subpart 1. Variance; when allowed.** A licensee or applicant may petition the board in writing for a variance from this chapter, except if the rule incorporates a statutory requirement. A variance shall be granted if the board determines that the licensee or applicant has specified alternative practices or measures equivalent to or superior to the rule in question and if the licensee or applicant provides evidence that:

- A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;
- B. adherence to the rule would impose an undue burden on the licensee or applicant; and
- C. the granting of the variance will not adversely affect the public welfare.

**Subp. 2. Petition; requirements.** A petition for a variance must contain the following information:

- A. the specific rule for which the variance is requested;
- B. the reason for the request;
- C. the alternative practices or measures that will be taken if a variance is granted; and
- D. the length of time for which a variance is requested.

**Subp. 3. Alternatives must be followed.** A licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the petition for the variance.

**Subp. 4. Notice of change; revocation.** A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance shall be revoked if there is a material change in the circumstances that justified the granting of the variance.

**Subp. 5. Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subparts 1 and 2 have been met.

**Subp. 6. Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, if required, and must state alternative practices or measures the licensee or applicant must meet.

**NOTE:** Variance requests are reviewed at bimonthly Board meetings. Requestor's attendance at the meeting is not required. Notification of Board action on the request is sent by US Mail.