

1 21 NCAC 10 .0216 is adopted with changes under temporary procedures as follows:

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3 **21 NCAC 10 .0216 WAIVER**

4 The Board may waive any rule in this Chapter that is not statutorily required if a licensee, or applicant for license or  
5 certification, submits a written request. The Board may also waive any rule in 21 NCAC 10 that is not statutorily  
6 required upon its own initiative. Factors the Board shall use in determining whether to grant the waiver are:

- 7 (1) degree of disruption to the Board;
- 8 (2) cost to the Board;
- 9 (3) degree of benefit to the public;
- 10 (4) whether the requesting party had control over the circumstances that required the requested waiver;
- 11 (5) notice to and opposition by the public;
- 12 (6) need for the waiver; and
- 13 (7) previous requests for waivers submitted from the requesting party.

14 (b) The Board may waive any rule in this Chapter that is not statutorily required upon its own initiative during a  
15 disaster declaration by the President of the United States or the Governor, a national emergency declaration by the  
16 President of the United States, or a state of emergency declaration issued under G.S. 166A-19.3(19), based on the  
17 factors set forth in Paragraph (a)(1), (2), (3), (5) and (6) of this Rule. If the Board wishes to waive a rule, it shall  
18 provide notice by posting a link on their website and sending out information to their interested persons mailing list.

19 (c) Any waiver granted by the Board in accordance with this Rule based upon a declared state of emergency shall  
20 include a date certain upon which the waiver will expire, not to exceed twelve (12) months from the date that the  
21 waiver is granted.

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23 *History Note: Authority G.S. 90-142; 150B-19(6);*  
24 *Emergency Adoption Eff. April 28, 2020; 2020;*  
25 *Temporary Adoption Eff. July 24, 2020.*