

1 21 NCAC 12A .0607 is adopted with changes under temporary procedures as follows:

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3 **21 NCAC 12A .0607 WAIVER**

4 The Board may waive any rule in this Chapter that is not statutorily required if a licensee, qualifier, continuing
5 education course provider, or continuing education course instructor submits a written request. The Board may also
6 waive any rule in 21 NCAC 12 that is not statutorily required upon its own initiative. Factors the Board shall use in
7 determining whether to grant the waiver are:

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

16 (b) The Board may waive any rule in this Chapter that is not statutorily required upon its own initiative during a
17 disaster declaration by the President of the United States or the Governor, a national emergency declaration by the
18 President of the United States, or a state of emergency declaration issued under G.S. 166A-19.3(19), based on the
19 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
20 provide notice by posting a link of their website and sending out information to their interested persons mailing list.

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

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25 *History Note:* Authority G.S. 87-10.2(j); 150B-19;
26 Emergency Adoption Eff. April 24, 2020; 2020;
27 Temporary Adoption Eff. July 24, 2020.