

1 21 NCAC 63 .0404 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

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3 **21 NCAC 63 .0404 REINSTATEMENT**

4 (a) Persons who apply for reinstatement after temporary retirement from the practice of social work pursuant to G.S.
5 90B-9(d), or after their certificate or license was suspended for failure to renew, renew shall pay a reinstatement fee
6 of one hundred and twenty five dollars (\$125.00) in addition to any other applicable fees. submit the following to the
7 Board:

8 (1) a reinstatement fee of one hundred and fifty-five dollars (\$155.00) in addition to any renewal fee or
9 late renewal fee owed pursuant to G.S. 90B-6.2;

10 (2) a Renewal Affidavit, as described in 21 NCAC 63 .0403(d);

11 (3) a current application for certification or licensure, as described in 21 NCAC 63 .0202; and

12 (4) three professional reference forms, as described in 21 NCAC 63 .0204.

13 (b) Persons who apply for reinstatement after temporary retirement from the practice of social work pursuant to G.S.
14 90B-9.1 shall submit the following to the Board:

15 (1) a renewal fee pursuant to G.S. 90B-6.2; and

16 (2) a Renewal Affidavit, as described in 21 NCAC 63 .0403(d).

17 (c) Applicants desiring to reinstate LCSWA shall comply with G.S. 90B-7(f) by completing all requirements for full
18 licensure as LCSW within six years, inclusive of any time spent on nonpracticing status pursuant to G.S. [90-B-9.1]
19 [90B-9.1] or suspension for failure to renew.

20

21 *History Note: Authority G.S. 90B-6; 90B-6.2; 90B-9; 90B-9.1;*

22 *Temporary Adoption Eff. October 1, 1999;*

23 *Eff. July 1, 2000;*

24 *Amendment Eff. August 1, 2012;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
26 *19, 2015, 2015;*

27 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0405 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2
3 **21 NCAC 63 .0405 REQUIRED REPORTING BY LICENSEE OR CERTIFICATE HOLDER OF**
4 **CHANGES TO BOARD**

5 (a) Each licensee or certificate holder shall notify the Board in writing of any of the following changes within 30 days
6 of the effective date of the ~~changes:~~ change:

- 7 (1) ~~Change change~~ of the licensee's or certificate holder's name, which shall be accompanied by
8 documentation such as a certified marriage certificate or driver's license;
- 9 (2) ~~Change change~~ in the licensee's or certificate holder's residence or business address, including street
10 and mailing address;
- 11 (3) ~~Change change~~ in the licensee's or certificate holder's residence or business telephone number; and
- 12 (4) ~~Any any~~ adverse action or disciplinary action against a licensee or certificate holder from a licensing
13 board, professional certifying body, or professional organization for any conduct described in G.S.
14 90B-11(a).

15 (b) Within 30 days of the effective date of a disposition in a criminal matter in which the licensee or certificate holder
16 is a defendant, including driving under the influence, each licensee or certificate holder shall send to the Board a
17 certified copy of any plea of guilty, finding of guilty, plea of nolo contendere, or deferred judgment.

18 (c) The licensee's or certificate holder's failure to report to the Board the dispositions addressed by Subparagraph
19 (a)(4) ~~and or~~ Paragraph (b) of this Rule ~~to the Board~~ shall be considered a violation of the Ethical Guidelines,
20 Guidelines as set forth in Section ~~.0500. .0500~~ of ~~[these Rules.]~~ this Chapter.

21
22 *History Note: Authority G.S. 90B-6; § 90B-11;*

23 *Eff. September 1, 2005;*

24 *Amended Eff. January 1, 2014;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
26 *19, 2015, 2015;*

27 *Amended Eff. October 1, 2021.*

1 521 NCAC 63 .0406 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

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3 **21 NCAC 63 .0406 MILITARY WAIVER OR EXTENSION OF TIME FOR RENEWAL OF**
4 **CERTIFICATION OR LICENSURE**

5 ~~(a) If a social worker is currently certified or licensed in good standing by this Board and is serving in the armed~~
6 ~~forces of the United States and who has been granted an extension of time to file a tax return under G.S. 105-249.2,~~
7 ~~the Board shall grant a waiver or the same extension of time to fulfill the requirements for renewal of his or her~~
8 ~~certification or licensure.~~

9 ~~(b)(a) Prior to the expiration of his or her license or certificate,~~ To request an extension of time to pay a license
10 renewal fee pursuant to G.S. 93B-15, the licensee or certificate holder shall submit a written request for extension to
11 the Board to include with a copy of the social worker's military orders and the extension approval granted by the
12 Internal Revenue Service or the State Department of ~~Revenue.~~ Revenue to file a tax return prior to the expiration of
13 the license or certificate.

14 ~~(c) During the extended time period, the existing license or certification shall not expire until a decision on the renewal~~
15 ~~application is made by the Board. If the application is denied or the terms of the license or certification are limited,~~
16 ~~the existing license or certification shall not expire until the last day for applying for judicial review of the Board~~
17 ~~order.~~

18 ~~(d)(b)~~ Licenses and certificate holders that have qualified for military waiver or extension are not required to take
19 continuing education courses during any period of extension granted by the Board under this Rule. If the licensee or
20 certificate holder chooses to take continuing education courses during a Board-approved period of extension, any
21 continuing Continuing education credits approved during the extended time period shall not be utilized for future
22 renewal periods.

23
24 *History Note: Authority G.S. 90B-6; 90B-6.2; 93B-15;*

25 *Eff. July 1, 2011;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
27 *19, 2015, 2015;*

28 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0503 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2
3 **21 NCAC 63 .0503 GENERAL PROFESSIONAL RESPONSIBILITIES**

4 (a) Social workers shall engage in practice only within their sphere of competence. in accordance with their training
5 and experience. They shall ~~accurately~~ represent to clients, colleagues, and the general public their abilities, education,
6 training, credentials, and experience. They shall engage in continuing professional education prior to maintain and
7 enhance their competence. engaging in a new area of practice.

8 (b) ~~As employees of institutions or agencies, social workers are responsible for remaining alert to and attempting to~~
9 ~~moderate institutional pressures or policies that conflict with the standards of their profession. If such conflict arises,~~
10 ~~social workers' responsibility shall be to uphold the ethical standards of their profession. In the event that the~~
11 employment policies or practices of social workers' employers are contrary to the Ethical Guidelines set forth in
12 Section .0500 of this Chapter, social workers shall comply with the Ethical Guidelines.

13 (c) Social workers shall not ~~practice, practice or facilitate or collaborate with~~ any form of discrimination on the basis
14 of race, sex, sexual orientation, gender, age, religion, socioeconomic status, medical diagnoses, or national ~~origin.~~
15 origin while practicing social work or while holding themselves out as social workers to the public.

16 (d) Social workers shall practice their profession in compliance with ~~legal standards. federal, [state,] State, or local~~
17 laws impacting the practice of social work.

18 (e) Social workers shall not engage in settlement agreements that preclude reporting of ethical misconduct to the
19 Board.

20
21 *History Note: Authority G.S. 90B-6; 90B-11;*

22 *Eff. March 1, 1994;*

23 *Temporary Amendment Eff. October 1, 1999;*

24 *Amended Eff. April 1, 2001;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
26 *19, 2015; 2015;*

27 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0504 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2
3 **21 NCAC 63 .0504 RESPONSIBILITIES IN PROFESSIONAL RELATIONSHIPS**

4 (a) Social workers shall not misuse their professional relationships sexually, ~~financially~~ financially, or for any other
5 personal advantage. They shall maintain this standard of conduct toward all who are professionally associated with
6 them such as clients, colleagues, supervisees, employees, ~~students~~ students, and research participants.

7 (b) Social workers shall inform clients of the extent and nature of services available to them as well as the limits,
8 rights, ~~opportunities~~ opportunities, and obligations associated with service ~~which that~~ that might affect the client's decision
9 to enter into or continue the relationship.

10 (c) Social workers shall obtain consent (~~agreement~~ to participate in social work ~~intervention~~) intervention from all
11 clients or their legally authorized representative except when ~~laws~~ judicial orders require intervention to ~~insure~~ ensure
12 the client's and community's safety and protection.

13 (d) Social workers shall terminate a professional relationship with a client ~~when, after careful evaluation and~~
14 ~~assessment, when~~ it is determined by the social worker, the client, or any entity with legal authority over client's care
15 that the client is not likely to benefit from continued services or the services are no longer needed. The social worker
16 who anticipates the termination or interruption of services shall give ~~reasonable~~ prior notice to the ~~client.~~ client as
17 soon as possible. The social worker shall provide referrals as needed or upon the request of the client. A social worker
18 shall not terminate a professional relationship for the purpose of beginning a personal or business relationship with a
19 client.

20 (e) Social workers shall respect the integrity, protect the welfare, and maximize self-determination of clients they
21 ~~serve.~~ serve, in accordance with the level and type of care that a competent social worker would provide under the
22 circumstances. They shall avoid entering treatment relationships in which their professional judgment will be
23 compromised by the prior association with or knowledge of a client. Examples include treatment of one's family
24 ~~members; close friends; associates; employees;~~ members, friends, associates, employees, or others whose welfare
25 could be jeopardized by such a dual relationship.

26 (f) Social workers shall not initiate, and shall avoid ~~when possible,~~ when possible, personal relationships or dual roles with current
27 clients, or with any former clients whose feelings toward ~~them~~ the social worker may ~~still~~ be derived from or
28 influenced by the former professional relationship. When a social worker may not avoid a personal relationship with
29 a ~~client,~~ client or former client, the social worker shall take appropriate precautions, such as documented discussion
30 with the client or former client about the relationship, ~~consultation~~ consultation, or supervision to ensure that the social
31 worker's objectivity and professional judgment are not impaired. In instances when dual or multiple relationships are
32 unavoidable, social workers shall set ~~clear and culturally sensitive boundaries.~~ boundaries that take into consideration
33 the client's age, race, sex, gender, sexual orientation, religion, socioeconomic status, national origin, and medical
34 diagnoses.

35 (g) Social workers shall not engage in sexual activities with clients or former clients. A social worker shall not engage
36 in or request electronic, verbal, or physical sexual contact with a client or former client under any circumstances. For
37 the purposes of this [rule] Rule, "sexual contact" means behavior relating to sexual activities including intentional

1 touching, either directly or through the ~~clothing that may be exploitive, abusive, or detrimental to the clients' welfare.~~
2 clothing.

3 (h) Social workers shall ~~be solely responsible for acting~~ act in accordance with G.S. 90B and these Rules in regard to
4 relationships with clients or former clients. A client's or former client's initiation of a personal, ~~sexual~~ sexual, or
5 business relationship shall not be a defense by the social worker for failing to act in accordance with G.S. 90B and
6 these Rules.

7

8 *History Note: Authority G.S. 90B-6; 90B-11;*

9 *Eff. March 1, 1994;*

10 *Amended Eff. April 1, 2001;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
12 *19, ~~2015.~~ 2015;*

13 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0509 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2
3 **21 NCAC 63 .0509 PUBLIC STATEMENTS**

4 (a) ~~Public statements, announcements of services and promotional activities of social workers serve the purpose of~~
5 ~~providing sufficient information to aid consumers in making informed judgments and choices, choices.~~ Social workers
6 shall state accurately, objectively, and without misrepresentation their professional qualifications, ~~affiliations~~
7 affiliations, and ~~functions~~ functions, as well as those of the institutions or organizations with which they or their
8 statement may be associated. ~~They shall correct~~ When social workers are made aware of misrepresentations by others
9 with respect to these ~~matters~~, matters, social workers shall make efforts to correct the misrepresentations.

10 (b) In announcing availability for professional services, a social worker shall use ~~his or her~~ the licensee or certificate
11 holder's name, ~~type~~ type, and level(s) of certification and licensure; and may use highest relevant academic degree
12 related to the field of social work from an accredited institution; specialized post-graduate training; address and
13 telephone number; office hours; type of services provided; appropriate accurate fee information; foreign languages
14 spoken; and policy with regard to third-party payments.

15 (c) Social workers shall not offer to perform any service beyond the scope permitted by law or beyond the scope of
16 their competence. They shall not engage in any form of advertising which that is false, fraudulent, deceptive, or
17 misleading. They shall neither solicit nor use recommendations or testimonials from clients.

18 (d) Social workers shall respect the rights and reputations of professional organizations with which they are affiliated.
19 They shall not falsely imply sponsorship or certification by such organizations. When making public statements, the
20 social worker shall make clear which are distinguish personal opinions and which are from authorized statements on
21 behalf of an organization.

22 (e) ~~A social worker~~ Social workers shall display ~~his or her~~ their license or certificate at the social worker's primary
23 place of practice as required by G.S. 90B-15.

24
25 *History Note: Authority G.S. 90B-6; 90B-11; 90B-15;*

26 *Eff. March 1, 1994;*

27 *Temporary Amendment Eff. October 1, 1999;*

28 *Amended Eff. January 1, 2009; July 1, 2000;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
30 *19, ~~2015~~, 2015;*

31 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0601 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2
3 **SECTION .0600 - DISCIPLINARY PROCEDURES**

4
5 **21 NCAC 63 .0601 GROUND FOR DISCIPLINARY PROCEDURES**

6 ~~In addition to the conduct set forth in G.S. 90B-11, the Board may take disciplinary action upon the following grounds:~~

7 The following conduct constitutes a violation of G.S. 90B-11:

- 8 (1) offering a check to the Board in payment of required fees ~~which that~~ is returned ~~unpaid; unpaid as~~
9 a result of non-payment attributable to the payor;
10 (2) obtaining or attempting to obtain compensation by fraud or deceit;
11 (3) submitting false documents to the Board, such as those related to continuing education audits or
12 submitted as a part of the application or renewal process; and
13 ~~(3)(4) violation of~~ violating any order of the Board.

14
15 *History Note: Authority G.S. 90B-2; 90B-6; 90B-11;*

16 *Eff. August 1, 1987;*

17 *Temporary Amendment Eff. October 1, 1999;*

18 *Amended Eff. April 1, 2001;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
20 *19, ~~2015.~~ 2015;*

21 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0602 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

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3 **21 NCAC 63 .0602 INVESTIGATION**

4 (a) Any person who has reason to believe that a social worker has violated the laws governing the practice of social
5 work may file a complaint with the Board. Anyone wishing to file a complaint shall file a form with the Board office
6 that contains the following information:

- 7 (1) the complainant's name and contact information;
8 (2) the name, contact information, and license number of the social worker about [which] whom the
9 complainant wishes to file the complaint;
10 (3) a narrative of the facts about which the complaint relies;
11 (4) identification of the statutes or rules that were allegedly [violated;] violated, if known;
12 (5) identification of the individuals and their contact information who may have information to support
13 the complaint;
14 (6) identification of any documents that may support the complaint; and
15 (7) the complainant's affirmation that:
16 (A) the complainant has read and understands the ethics standards and disciplinary procedures
17 of the Board, which are available on the Board's website at <https://www.ncswboard.org>;
18 (B) the information provided by the complainant is true, based on the complainant's personal
19 knowledge, or based upon information that the complainant believes to be true; and
20 (C) the complainant is aware that the social worker about [which] whom the complaint is filed
21 shall be made aware of the complaint and when the complaint may be disclosed as a public
22 record; and
23 (8) the complainant's signature and the date [on which] when the complaint is made.

24 ~~(a)~~(b) Upon receipt of a complaint, the Board shall notify the social worker against whom the complaint was filed,
25 noting the report of a violation and the specific ethical standard [rule, statute, or ethical guideline] rule or statute
26 brought into question.

27 ~~(b)~~(c) Upon receipt of a complaint, ~~or upon its own motion~~, the Board, its staff, or designee(s) may investigate shall
28 determine whether more information or evidence is needed to show whether a person certified or licensed by the Board
29 has violated any provision of G.S. 90B or ~~these Rules.~~ the rules of this Chapter. If more information or evidence is
30 deemed necessary, the Board, its staff, or designee(s) shall conduct an investigation.

31 ~~(c)~~(d) The complainant and social worker against whom a complaint was filed shall be notified in writing of the
32 Board's decision as to whether an investigation is warranted.

33 (e) The Board may initiate its own complaint and conduct an investigation of a suspected violation if the Board obtains
34 information tending to show that a violation of G.S. [90] 90B or [these Rules] the rules of this Chapter has occurred.

35 ~~(d)~~(f) Any Board member who conducts the investigation of a specific case shall not participate in the Board's
36 adjudication of that case.

1 *History Note: Authority G.S. 90B-6; 90B-11;*
2 *Eff. September 1, 1989;*
3 *Temporary Amendment Eff. October 1, 1999;*
4 *Amended Eff. July 1, 2000;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
6 *19, ~~2015~~ 2015;*
7 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0603 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2

3 **21 NCAC 63 .0603 NOTICE OF CHARGES AND HEARING**

4 (a) If an investigation conducted in accordance with Rule .0602 of this Section produces any credible evidence
5 indicating tending to show a violation of G.S. 90B or these ~~Rules~~ Rules, the Board ~~may~~ shall initiate disciplinary
6 proceedings. Disciplinary proceedings conducted by the Board are governed by ~~G.S. 90B.~~ Article 3A of Chapter
7 150B of the NC General Statutes. Prior to any Board action, written notice outlining the particular statutes and rules
8 involved, the alleged facts, and the date, location [location,] and nature of any hearing containing the information
9 required by G.S. 150B-38(b) shall be sent to the social worker involved and the ~~complainant.~~ complainant, if the
10 disciplinary proceeding was initiated by a complainant.

11 (b) ~~Nothing herein shall abridge the right of~~ in this Rule shall prevent the Board ~~to~~ from summarily ~~suspend~~
12 suspending a certificate or license ~~pursuant to G.S. 150B-3(e).~~ in accordance with G.S. 150B-3(c) if the Board
13 determines that the public health, safety, or welfare requires emergency action.

14

15 *History Note: Authority G.S. 90B-6; 90B-11; 150B-38;*

16 *Eff. September 1, 1989;*

17 *Temporary Amendment Eff. October 1, 1999;*

18 *Amended Eff. July 1, 2000;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
20 *19, ~~2015.~~ 2015;*

21 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0607 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

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3 **21 NCAC 63 .0607 CONDUCT OF HEARING**

4 (a) ~~Disciplinary hearings shall be conducted by a majority of the Board.~~ The Chairperson shall serve as presiding
5 officer unless ~~he or she~~ the Chairperson is absent or ~~disqualified,~~ disqualified in accordance with Paragraph (b) of this
6 Rule, in which case the Vice-chairperson shall preside. ~~Hearings shall be conducted as prescribed by G.S. 150B-40.~~

7 (b) ~~Disqualification.~~ An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely
8 manner, will be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

9 (1) ~~Prior~~ prior to the hearing; or

10 (2) As ~~as~~ soon after the commencement of the hearing as the affiant becomes aware of the facts which
11 that give rise to ~~his~~ the belief that a Board member should be disqualified.

12 (c) ~~Evidence.~~ ~~The admission of evidence in a hearing on a contested case shall be as prescribed in G.S. 150B-41.~~

13

14 *History Note: Authority G.S. 90B-6(h); 150B-40;*

15 *Eff. September 1, 1989;*

16 *Temporary Amendment Eff. October 1, 1999;*

17 *Amended Eff. July 1, 2000;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
19 *19, ~~2015.~~ 2015;*

20 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0608 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2
3 **21 NCAC 63 .0608 DECISION OF BOARD**

4 ~~(a) The form and content of the Board's decision in a contested case shall be as prescribed by G.S. 150B-42(a), and~~
5 ~~its decision shall be served upon the parties in a manner consistent with said statute.~~

6 ~~(b) The official record of the hearing in a contested case shall contain those items specified in G.S. 150B-42(b).~~

7 (a) Immediately upon Upon the conclusion of a disciplinary proceeding conducted noticed pursuant to 21 NCAC
8 63 .0603 and if so moved by two Board members, the Board shall deliberate on whether an applicant, certificate
9 holder, or licensee involved has violated a statute or rule for which the Board has the authority to enforce, and what
10 appropriate disciplinary action, if any, should be taken against the applicant, certificate holder, or licensee involved.

11 (b) If the Board reaches a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the conclusion
12 of the disciplinary proceeding, the Board shall announce the decision but shall provide the parties with an opportunity
13 to submit proposed findings of fact and exceptions to the decision to the Board's office within fifteen days, days.
14 unless The Board may allow additional time is allowed by the Board for good cause shown or upon mutual
15 agreement by the parties. For purposes of this Rule, "good cause" shall mean be determined by the length of the
16 hearing, the complexity of the issues involved, and the availability of the parties.

17 (c) If the Board does not reach a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the
18 conclusion of the disciplinary proceeding, the Board shall provide the parties an opportunity to submit proposed
19 findings of fact and conclusions of law to the Board's office within fifteen days, unless additional time is allowed by
20 the Board for good cause shown or upon mutual agreement by the parties. The Board shall deliberate on the issues
21 set forth in Paragraph (a) of this Rule at its next Board meeting following the parties' deadline to submit the proposed
22 findings of fact and conclusions of law.

23 (d) Following the expiration of the time allowed for the parties to submit proposed findings and exceptions, the Board
24 shall make a written final agency decision in accordance with G.S. 150B-42.

25 (e) Disciplinary costs shall be assessed against an applicant, certificate holder, or licensee in a written final agency
26 decision as set forth in G.S. 90B-11 when:

- 27 (1) the licensee previously has rejected a consent order offered by the Board to resolve the disciplinary
28 matter;
29 (2) the licensee previously has been disciplined by the Board pursuant to GS 90B-11, previously
30 received a non-disciplinary letter of caution, or previously received a non-disciplinary Consent
31 Order from the Board for the same conduct at issue in disciplinary proceeding;
32 (3) the Board finds that the licensee's conduct or defense at hearing was dilatory or not asserted in good
33 faith; or
34 (4) the Board denies, suspends, or revokes an application, certificate, or license.

35 Disciplinary costs shall equal three hundred dollars (\$300.00) per hour for time spent by the Board conducting a
36 hearing that results in disciplinary action and for time spent by the Board deliberating on a disciplinary proceeding,

1 with a minimum charge of three hundred dollars (\$300.00) for the first hour or portion thereof, and then prorated
2 thereafter for each half-hour

3

4 *History Note:* G.S. 90B-6(h); 90B-11; 150B-38; 150-42; ~~S.L. 1999-313~~;

5 *Eff. September 1, 1989;*

6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
7 *19, ~~2015~~, 2015;*

8 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0610 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

2

3 **21 NCAC 63 .0610 CONTINUANCES**

4 ~~(a)~~ All motions for continuance shall be addressed to the Chair.

5 ~~(b)~~(a) Motions for a continuance of a hearing ~~may~~ shall be ~~granted~~ reviewed in accordance with the North Carolina
6 Rules of Civil Procedure as set forth in G.S. ~~1A-1~~. 1A-1, Rule 40(b). The Board is not required to grant a motion to
7 continue. All motions for continuance shall be addressed to the [Chair or] presiding officer.

8 ~~(c)~~(b) In determining whether good cause ~~exists~~, exists as set forth in G.S. 1A-1, Rule 40, the [Chair or] presiding
9 officer shall consider the ability of the party requesting a continuance to proceed without a continuance.

10 ~~(d)~~(c) Motions for a continuance shall be in writing and shall be received in the office of the Board no less than seven
11 calendar days before the hearing date.

12 ~~(e)~~(d) A motion for a continuance ~~filed less [more] than seven calendar days from the date of the hearing~~ shall be
13 denied if a continuance has been previously granted unless the reason for the motion could not have been ascertained
14 earlier.

15

16 *History Note: G.S. 90B-6(h); 150B-38(h);*

17 *Eff. February 1, 2017. 2017;*

18 *Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0704 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

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21 NCAC 63 .0704 DECLARATORY RULINGS

(a) General. ~~The issuance of declaratory rulings by the Board is governed by G.S. 150B-4. The Board shall respond to requests for declaratory rulings in accordance with G.S. 150B-4.~~

(b) Contents of a Request for Declaratory Ruling. A request for a declaratory ruling shall be in writing and addressed to the executive director of the Board. The request shall contain the following information:

- (1) ~~The the~~ name and address of the person making the request;
- (2) ~~The the~~ statute or rule statute, rule, or order to which the request relates;
- (3) ~~A concise a~~ statement of the need for a declaratory ruling as set forth in G.S. 150B-4(a); and
- (4) ~~A a~~ statement as to whether a hearing is desired, and if desired, the reason therefore.

(c) Refusal to Issue Ruling. The Board ~~may~~ shall refuse to issue a declaratory ruling under the following circumstances:

- (1) ~~When when~~ the Board has already made a controlling decision on ~~substantially~~ similar facts in a contested case;
- (2) ~~When when~~ the facts underlying the request for a ruling were ~~specifically~~ considered at the time of the adoption of the Rule in question; or
- (3) ~~When when~~ the subject matter of the request is involved in any pending litigation in North Carolina.

*History Note: Authority G.S. 90B-6(h); 150B-4;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. January 1, 2014; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015, 2015;
Amended Eff. October 1, 2021.*

1 21 NCAC 63 .0705 is adopted with changes as published in 35:20 NCR 2251-2270 as follows:

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3 **21 NCAC 63 .0705 INSUFFICIENT FEES**

4 (a) The Board shall charge the maximum processing fee allowed by G.S. 25-3-506 if a check submitted to the Board
5 is returned by a financial institution because of insufficient funds or because the drawer did not have an account at
6 that bank.

7 (b) Until such time as the drawer of the bad check has paid the prescribed fee, the drawer shall not be eligible to take
8 an examination, obtain a license, or have the license renewed. For the purpose of this Rule, “prescribed fee” shall
9 mean the sum of:

10 (1) the maximum processing fee allowed by G.S. 25-3-506;

11 (2) the renewal or application fee, whichever is applicable; and

12 (3) any late fee, as ~~described in G.S. 90B-6.2.~~ set forth in Rule .0403.

13 (c) Any license that has been issued or renewed based on a check ~~which~~ that is returned to the Board shall be invalid
14 until such time as the drawer has paid the prescribed fee. The invalidity of the license or renewal shall commence on
15 the date of the issuance of the license or renewal.

16 (d) Payment of the prescribed fee to the Board shall ~~be made in the form of a cashier’s check, money order, credit~~
17 ~~card, or debit card.~~ not be paid by personal check or cash.

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19 *History Note: Authority G.S. 25-3-506; 90B-6(g); 90B-6.2(b);*

20 *Eff. October 1, 2021.*