

21 NCAC 40 .0113 is proposed for adoption as published in 35:11 NCR 1160 as follows:

**21 NCAC 40 .0113            WAIVER**

(a) The Board may waive any rule in this Chapter that is not statutorily required if a licensee, business or training establishment, trainee, or continuing education course provider submits a written request. Factors the Board shall use in determining whether to grant the waiver are:

(1) degree of disruption to the Board;

(2) cost to the Board;

(3) degree of benefit to the public;

(4) whether the requesting party had control over the circumstances that required the requested waiver;

(5) notice to and opposition by the public;

(6) need for the waiver; and

(7) previous requests for waivers submitted from the requesting party.

(b) The Board may waive any rule in this Chapter that is not statutorily required upon its own initiative during an exercise of emergency authority by a federal, state, or local governmental authority impacting North Carolina citizens based on the 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 provide notice by posting a link on their website and sending out information to their interested persons mailing list.

*History Note:    Authority G.S. 90-249; 150B-19(6);  
Emergency Adoption Eff. April 9, 2020;  
Temporary Adoption Eff. June 1, ~~2020~~. 2020;  
Eff. April 1, 2021.*