

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Opticians

RULE CITATION: 21 NCAC 40 .0113

**DEADLINE FOR RECEIPT: Wednesday, March 10, 2021**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Please format the introductory statement at the top of the Rule in accordance with 26 NCAC 02C .0404. It should read as follows:*

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

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: Wednesday, February 24, 2021

21 NCAC 40 .0113 is proposed for adoption 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.*