

1 21 NCAC 14A .0101 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS  
2 FOLLOWS:

3 CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

4  
5 SUBCHAPTER 14A – DEPARTMENTAL RULES

6  
7 SECTION .0100 – ORGANIZATION RULES

8  
9 21 NCAC 14A .0101 DEFINITIONS

10 In addition to the definitions set forth in G.S. 88B-2, the following definitions apply in this Chapter:

- 11 (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
- 12 (2) "Clean" is the removal of visible and surface debris, **then** washing with soap and water, **using a**  
13 detergent or chemical cleaner that prepares non-porous items for disinfection and reduces the  
14 number and slows the growth of pathogens on both porous and non-porous surfaces. ~~Cleaning~~  
15 ~~does not make multi-use items safe for use.~~
- 16 (3) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by G.S.  
17 88B-2(5), but is not solely a manicurist or an esthetics school.
- 18 (4) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.
- 19 (5) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.
- 20 (6) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the  
21 esthetician curriculum set forth in 21 NCAC 14T .0604.
- 22 (7) "Licensing cycle" shall be as follows:
- 23 (a) for cosmetologists, the licensing cycle is a three-year period beginning on the first day of  
24 October and ending ~~on the third following~~ first day of October **of the third year in the**  
25 **period** and continuing thereafter in three year intervals;
- 26 (b) for estheticians, natural hair care specialists and manicurists, the licensing cycle is one  
27 year in length beginning on the first day of October and ending on the next first day of  
28 October;
- 29 (c) for teachers, the licensing cycle is a two-year period beginning on the first day of October  
30 of an even-numbered year and ending on the next first day of October of the next even-  
31 numbered year.
- 32 (8) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.
- 33 (9) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the  
34 manicurist curriculum set forth in 21 NCAC 14T .0605.
- 35 (10) "Natural hair care school" is a cosmetic art school that teaches only the cosmetic art of natural hair  
36 care.

37 (11) "Natural hair care student" is a student in any cosmetic art school whose study is limited to the  
38 natural hair care curriculum set forth in 21 NCAC 14T .0606.

39 (12) "Porous" is a material that has minute spaces or holes through which liquid or air may pass such as  
40 paper, foam, and wood. Porous may also be called permeable, penetrable, or cellular.

41

42 *History Note: Authority G.S. 88B-2; 88B-4;*

43 *Eff. February 1, 1976;*

44 *Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;*

45 *Temporary Amendment Eff. January 1, 1999;*

46 *Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005; December 1, 2004;*

47 *May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;*

48 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
49 *13, 2015;*

50 *Amended Eff. April 1, 2023; March 1, 2022; September 1, 2018; March 1, 2018;*

51 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0104 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2

3 **21 NCAC 14A .0104 ADDRESS**

4 **(a)** The address for the ~~board~~ **Board** is 121 Edinburgh South Drive, Suite 209, Cary, ~~North Carolina~~ **NC** 27511.

5 **(b)** The Board website shall be located at [www.nccosmeticarts.com](http://www.nccosmeticarts.com).

6

7 *History Note: Authority G.S. ~~88-23;~~ **88B-6;***

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 2015; August 1, 1998; December 6, 1991; January 1, 1989; April 1,*  
10 *1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Amended Eff. September 1, 2021;*

14 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14A .0401 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:

2  
3 SECTION .0400 - LICENSE WAIVER FOR ARMED FORCES  
4

5 21 NCAC 14A .0401 LICENSE WAIVER FOR ARMED FORCES

6 (a) Licensees in good standing and serving in the ~~armed forces~~ **Armed Forces** of the United States ~~States~~, or the  
7 spouse of an individual in good standing and serving in the ~~armed forces~~ **Armed Forces** of the United States ~~States~~,  
8 are allowed an extension on the license renewal payment and required continuing education hours as permitted G.S.  
9 93B-15.

10 (b) Individuals holding current and valid licensure as determined by G.S. 93B-15.1 may apply for licensure with the  
11 Board by providing a copy of the current and valid license along with a the license application, fees ~~fees~~, and  
12 documentation of military experience or training.  
13

14 *History Note: Authority G.S. 93B-15; 93B-15.1;*

15 *Eff. June 1, 2010;*

16 *Amended Eff. August 1, 2014;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
18 *13, 2015;*

19 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0402 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14A .0402      **DUPLICATE LICENSES****

3 (a) A licensee may request a duplicate license by submitting **a** written application and a duplicate license fee to the  
4 Board.

5 (b) All overpayments will be returned to the submitting applicant or licensee.

6

7 *History Note:      Authority G.S. 88B-20;*

8 *Eff. October 1, 2012;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0403 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14A .0403 ADDITIONAL SALON CHAIRS**

3 Salon owners may request **an** additional salon ~~chair~~ **booth** licensure by submitting written application **including**  
4 **name, license number,** and additional ~~chair~~ **booth** fees to the Board.

5

6 *History Note: Authority G.S. **88B-14;** 88B-20;*

7 *Eff. October 1, 2012;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
9 *13, 2015;*

10 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0404 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2

3 **21 NCAC 14A .0404 FEES**

4

5 (a) Fees and civil penalties paid by personal checks that are returned for any reason shall be treated in the same  
6 manner as though no fee had been tendered and the bank's returned check fee, not to exceed thirty-five dollars  
7 (\$35.00), shall be assessed to the account holder. All subsequent payments must be submitted via credit card, money  
8 order, or certified check.

9 (b) All moneys tendered in payment of fees shall be in the exact amount required for said fees. No part of a fee  
10 submitted to the Board per G.S. 88B-20 shall be refundable.

11 (c) Licenses, certifications, duplicates, inactivations, or reactivations shall not be processed until all fees and  
12 assessed civil penalties are paid in full.

13

14 *History Note: Authority G.S. 25-3-506; ~~88B-2~~; 88B-4; 88B-20*

15 *Eff. September 1, 2012;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*

18 *Amended Eff. September 1, 2021;*

19 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0101 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **SUBCHAPTER 14B - RULE-MAKING PROCEDURES**

3  
4 **SECTION .0100 - PETITIONS FOR RULE-MAKING**

5  
6 **21 NCAC 14B .0101 PETITIONS**

7 Any person wishing to submit a petition requesting the adoption of a rule by the Board ~~must~~ **shall** address a petition  
8 to the chairman of the Board at the Board's address ~~address~~ **address listed in 21 NCAC 14A .0104.**

9  
10 *History Note: Authority G.S. ~~150B-16;~~ **150B-20; 88B-4;***

11 *Eff. February 1, 1976;*

12 *Amended Eff. January 1, 1989; April 1, 1988;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
14 *13, 2015;*

15 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0102 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14B .0102 CONTENTS OF PETITIONS**

3 The petition ~~must~~ **shall** contain the following information:

- 4 (1) a draft of the proposed rule or amendment,
- 5 (2) a summary of the contents of the proposed rule or amendment,
- 6 (3) reason for the proposal,
- 7 (4) effect of the new rule or amendment on existing rules,
- 8 (5) data supporting the rule proposal,
- 9 (6) effect of the proposed rule or amendment on existing practices in the area involved, including cost
- 10 factors, and
- 11 (7) name and address of each petitioner.

12

13 *History Note: Authority G.S. ~~150B-16~~; **150B-20**; **88B-4**;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1989; April 1, 1988;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

17 *13, 2015;*

18 *Readopted Eff. April, 1, 2026.*

1 **21 NCAC 14B .0105 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14B .0105 GRANTING OR DENYING PETITIONS**

3 The Board ~~must~~ **shall** determine, based on a study of the facts stated in the petition, whether the public interest will  
4 be better served by granting or denying the petition. The Board ~~must~~ **shall** consider ~~all~~ the contents of the submitted  
5 petitions plus any additional information deemed relevant.

6  
7 *History Note: Authority G.S. ~~150B-16;~~ **150B-20; 88B-4;***

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989; April 1, 1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0107 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14B .0107 FINAL DECISION**

3 Within 30 days of submission of the petition or at its next regularly scheduled meeting, whichever is later, the Board  
4 will render a final decision. If the decision is to deny the petition, the chairman of the Board will notify the  
5 petitioner in writing stating the reasons ~~therefor~~ therefore. If the decision is to grant the petition, the Board will  
6 initiate a rule-making proceeding.

7

8 *History Note: Authority G.S. ~~150B-16~~; 150B-20; 88B-4;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Readoption Eff. April 1, 2026.*

1 **21 NCAC 14B .0201 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **SECTION .0200 - NOTICE**

4  
5 **21 NCAC 14B .0201 NOTICE TO PUBLIC**

6 Upon a determination to hold rule-making proceedings, either in response to a petition or otherwise, the Board will  
7 give 30 **days notice of rule-making intent** by publication in the North Carolina Register.

8  
9 *History Note: Authority G.S. ~~150B-12; 150B-16;~~ **150B-21.2; 88B-4;***  
10 *Eff. February 1, 1976;*  
11 *Amended Eff. January 1, 1989; April 1, 1988;*  
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
13 *13, 2015;*  
14 *Readopted Eff. April 1, 2026.*  
15

1 21 NCAC 14B .0302 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS  
2 FOLLOWS:

3  
4 21 NCAC 14B .0302 PROCEDURE FOR MAKING ORAL PRESENTATION AT HEARING

5 (a) A person desiring to make an oral presentation on a proposed rule or amendment to a rule at a rule-making  
6 hearing ~~must file~~ shall submit a request to make a presentation with the chairman of the Board, at the Board's  
7 address, at least 15 days before the hearing. The presiding officer at the hearing may, however, waive or  
8 excuse a person's failure to give this notice for good ~~reason-~~ cause.

9 (b) A request to make an oral presentation ~~must~~ shall contain a brief summary of the subject on which the  
10 individual desires to speak and an estimation of the length of time needed. An oral presentation ~~may~~ shall not  
11 exceed ~~five~~ 5 minutes unless the presiding officer, either before or at the hearing, grants an extension of time  
12 for good ~~reason-~~ cause.

13 (c) A person who makes an oral presentation at a rule-making hearing ~~is encouraged to~~ may submit a written  
14 copy of the presentation to the Board either before or at the hearing.

15

16 *History Note: Authority G.S. ~~150B-11(1); 150B-12;~~ 150B-21.2; 88B-4;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. January 1, 1989; April 1, 1988;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
20 *13, 2015;*

21 *Readoption Eff. April 1, 2026.*

1 21 NCAC 14B .0304 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS  
2 FOLLOWS:

3  
4 21 NCAC 14B .0304 ACKNOWLEDGEMENT OF A REQUEST TO MAKE AN ORAL  
5 PRESENTATION

6 Upon receipt of a request to make an oral presentation at a rule-making hearing, the chairman **of the Board**  
7 ~~must~~ **shall** acknowledge receipt of the request and inform the person requesting time for an oral presentation of  
8 ~~the imposition of~~ any limitations deemed necessary to ~~the end of~~ **conduct** a full and effective public hearing on  
9 the proposed rule or amendment.

10

11 *History Note: Authority G.S. ~~150B-11(1); 150B-21.2; 88B-4;~~*

12 *Eff. February 1, 1976;*

13 *Amended Eff. January 1, 1989;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
15 *13, 2015;*

16 *Readoption Eff. April 1, 2026.*

1 **21 NCAC 14B .0305 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14B .0305 WRITTEN STATEMENT**

4 (a) Any person may file a written statement containing data, comments, or arguments in support of or in  
5 opposition to a proposed rule or rule change. Such statements may be filed before, during, or ~~for five~~ **up to 5**  
6 days after the hearing by delivering the statement by mail or in person to the chairman of the Board, at the  
7 Board's mailing address.

8 (b) An extension of time for filing written statements may be granted either in the notice of the particular  
9 rule-making hearing or by the presiding officer of the hearing.

10 (c) All such submitted statements ~~should~~ **shall** clearly state the rule or proposed rule to which the comments  
11 are addressed.

12

13 *History Note: Authority G.S. ~~150B-11(1); 150B-12;~~ **150B-21.2; 88B-4;***

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1989; April 1, 1988;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*

18 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14B .0306 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14B .0306 ACKNOWLEDGEMENT

4 Acknowledgement of all written comments received by the Board will be issued by the Chairman of the ~~North~~  
5 ~~Carolina State Board of Cosmetic Art Examiners.~~ Board during the Board's meeting in which the rule is  
6 reviewed prior to voting for submission to RRC.

7

8 *History Note:* Authority ~~G.S. 150B-11(1);~~ 150B-21.2; 88B-4;

9 *Eff. February 1, 1976;*

10 *Amended Eff. April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0307 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14B .0307 CONTROL OF HEARINGS**

4 (a) ~~Purpose.~~ The purpose of this Rule is to provide uniform procedures for the conduct of public comment  
5 hearings.

6 (b) The presiding officer at the hearings shall have control of the proceedings including the following:

- 7 (1) extension of any time requirements,
- 8 (2) recognition of speakers,
- 9 (3) time allotment for presentations, and
- 10 (4) direction of the flow of discussion and the management of the hearing.

11 (c) The presiding officer ~~at all times~~ shall ~~take care~~ **ensure** that each person participating in the hearing is given an  
12 opportunity to present views, ~~data~~ **data**, and comments.

13 (d) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify,  
14 subject to the provisions of this Rule.

15 (e) Public comment ~~hearing~~ **hearings** shall be open to print and electronic media, ~~subject to the following limitations~~  
16 by the ~~board~~, **Board**, or the person designated by the ~~board~~ **Board** to preside over the hearing, when such pooling are  
17 necessary **due to room occupancy restrictions** to allow the hearing to go ~~forward~~: **forward subject to the following**  
18 **limitations:**

- 19 (1) Pooling of the number of media representatives when their number and ~~equipment~~ **equipment**,  
20 together with the number of members of the public ~~present~~ **present**, exceeds the capacity of the  
21 hearing room;
- 22 (2) Limitation on the placement of cameras to specific locations within the hearing room; or
- 23 (3) Prohibition of interviews conducted within the hearing room during the hearing.

24 (f) Public comment hearings shall be presided over by the ~~board~~ **Board** or an individual knowledgeable in the  
25 subject area of the proposed rules who has been designated by the chairman to preside over the hearing.

26 (g) The person presiding over the hearing shall:

- 27 (1) Call the hearing to order;
- 28 (2) Identify the proposed rules which are the subject matter of the hearing, and provide copies of them  
29 upon request;
- 30 (3) Cause a recording of the hearing to be made;
- 31 (4) Establish speaker time limits;
- 32 (5) Recognize those who wish to be heard;
- 33 (6) If necessary, refuse to recognize people for speaking, or revoke recognition of speakers;
- 34 (7) If necessary, limit the activity of the media;
- 35 (8) If necessary, continue or move the hearing; and
- 36 (9) Adjourn or continue the hearing.

37 (h) The hearing shall be continued when:

38 (1) The weather is so inclement that ~~it is reasonable to conclude that people wishing to attend the~~ **the**  
39 **chairman or the individual designated by the chairman to preside over the hearing** ~~are~~ **is** unable to  
40 do so;

41 (2) The chairman or the individual designated by the chairman to preside over the hearing is ill or  
42 unavoidably absent; or

43 (3) Continuing the hearing will facilitate greater participation by the public.

44 (i) The hearing may be moved to another location when the original location is not able to accommodate the  
45 number of people who wish to attend the hearing.

46 (j) The hearing shall be continued past the scheduled time or to another date when:

47 (1) The time available is not sufficient to give each person who wishes to speak a reasonable  
48 opportunity to do so; or

49 (2) The capacity of the room in which the hearing is to be held does not accommodate the number of  
50 people who wish to attend the hearing and it is not possible to move the hearing to another  
51 location.

52 (k) People who wish to speak about the rules which are the subject matter of the hearing shall be asked to write on  
53 the speaker's list their full names and if they represent other persons, the identity of the persons represented.

54 (l) People who wish to speak shall be asked to provide the information called for by Paragraph (k) of this Rule no  
55 later than before the last speaker on the list has finished speaking.

56 (m) People whose names appear on the speaker's list shall be afforded an opportunity to speak at the hearing within  
57 the limits on public participation.

58 (n) Written comments must be submitted by the deadline listed in the rule making notice.

59 (o) The person presiding over the hearing shall:

60 (1) Refuse to recognize for speaking or revoke the recognition of any person who:

61 (A) Speaks or acts in an abusive or disruptive manner; or

62 (B) Refuses to keep comments relevant to the proposed rules which are the subject matter of  
63 the hearing;

64 (2) Limit the duration of the hearing and limit the amount of time each speaker may speak to a time  
65 which allocates approximately equal speaking time to each person shown on the speaker's list as  
66 wishing to speak; and

67 (3) Limit presentations on behalf of the same organization or entity to no more than three, provided  
68 that all those representing such organization or entity may enter their names and addresses into the  
69 record as supporting the position of the organization or entity.

70

71 *History Note: Authority G.S. 88B-4; 143-318.4; 150B-21.2;*

72 *Eff. February 1, 1976;*

73 *Amended Eff. April 1, 2012;*

74

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*

75

76

*Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0308 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14B .0308 REQUEST FOR STATEMENT ON ADOPTED RULE**

4 Any person or agency desiring a concise statement of the principal reasons for and against the adoption of a  
5 rule by the Board and the factors that led to sustaining or overruling the considerations urged for or against its  
6 adoption may submit a request in writing to the chairman of the Board at the Board's address. Such requests  
7 may be submitted either prior to the rule-making hearing or within 30 days thereafter.

8

9 *History Note: Authority G.S. ~~150B-11(1); 150B-12(e); 150B-21.2; 88B-4;~~*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0309 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14B .0309 RECORDS**

4 (a) A record of all rule-making proceedings will be maintained as long as the rule is in effect and for five  
5 years thereafter. This record will contain the following:

- 6 (1) the original petition, if any;
- 7 (2) the ~~notice~~; **notice of text**;
- 8 (3) all written memoranda and information ~~submitted~~; **submitted by the rule-making coordinator**;
- 9 (4) a record or summary of oral presentations, if any; and
- 10 (5) any statement of reasons for and against adoption of a rule issued by the Board.

11 (b) The record will be maintained in a **paper or an electronic** file at the Board's address.

12

13 *History Note: Authority G.S. ~~150B-11(4)~~; **150B-21.2(i)**; **88B-4**;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1989; April 1, 1988;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*

18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0501 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **SECTION .0500 - DECLARATORY RULINGS**

4  
5 **21 NCAC 14B .0501 REQUEST FOR DECLARATORY RULING**

6 Any person ~~substantially~~ affected by a statute administered or rule promulgated by the Board may request a  
7 declaratory ruling as to how the statute or rule applies to a given factual situation or whether a particular ~~board~~  
8 **Board** rule is valid. All requests for declaratory rulings must be in writing and mailed to the chairman of the  
9 Board at the Board's address.

10

11 *History Note: Authority G.S. ~~150B-17~~; **150B-4**;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. January 1, 1989; April 1, 1988;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
15 *13, 2015;*

16 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14B .0502 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14B .0502 CONTENTS OF REQUEST

4 All requests for a declaratory ruling ~~must~~ shall include the following information:

- 5 (1) name and address of petitioner;
- 6 (2) statute or rule to which the petition relates;
- 7 (3) concise statement of the manner in which the petitioner is aggrieved, or thinks that he ~~or she~~  
8 ~~may be~~ is aggrieved by the rule or statute ~~statute~~, and its application to ~~him~~; ~~him or her~~; and
- 9 (4) statement of whether an oral hearing is ~~desired and~~ being requested and, if ~~so~~ so, the reasons  
10 ~~therefor~~. ~~therefore~~.

11

12 *History Note:* Authority G.S. ~~150B-17~~; ~~150B-4~~;

13 *Eff. February 1, 1976;*

14 *Amended Eff. January 1, 1989;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
16 *13, 2015;*

17 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0503 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14B .0503 REFUSAL TO ISSUE DECLARATORY RULING**

4 Whenever the Board ~~believes~~ believes, ~~for good reason~~ just cause as listed in 21 NCAC 14B .0506, that the  
5 issuance of a declaratory ruling is inappropriate, it may refuse to do so. When ~~good reason~~ just cause is  
6 deemed to exist, ~~the~~ the Board will notify the petitioner of its decision in writing stating the reasons for the  
7 denial of a declaratory ruling.

8

9 *History Note: Authority G.S. ~~150B-17~~; 150B-4;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0505 AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS FOLLOWS:**

2 **21 NCAC 14B .0505 PROCEDURE**

3 A declaratory ruling procedure ~~may~~ **shall** consist of written ~~statements,~~ **statements and** oral ~~hearings and~~  
4 **hearings.** ~~or such other procedures as may be appropriate in a particular case.~~

5

6 *History Note: Authority G.S. ~~88-23; 150B-17;~~ **150B-4;***

7 *Eff. February 1, 1976;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
9 *13, 2015;*

10 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14B .0506 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14B .0506 CIRCUMSTANCES

4 The Board may refuse to issue a declaratory ruling on the validity of a rule ~~if~~ for just cause for any of the  
5 following reasons:

- 6 (1) ~~When the~~ The Board has already made a ~~controlling decision~~ declaratory ruling on  
7 substantially similar facts in a contested case; or  
8 (2) ~~When the~~ The facts underlying the request for a ruling were specifically considered at the  
9 time of the adoption of the rule in question; ~~and~~ or  
10 (3) ~~When the~~ The subject matter of the request is involved in pending litigation in North  
11 Carolina.

12  
13 *History Note:* *Authority G.S. ~~150B-17;~~ 150B-4;*  
14 *Eff. February 1, 1976;*  
15 *Amended Eff. January 1, 1989;*  
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*  
18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0601 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **SECTION .0600 - FEES**

4  
5 **21 NCAC 14B .0601 COPYING CHARGES**

6 The Board may charge a ~~small fee~~ **fee of fifteen dollars (\$15.00)** for providing copies of its rules, Chapter 88 of the  
7 North Carolina General Statutes, and other public documents in its possession.

8  
9 *History Note: Authority G.S. 12-3.1; ~~150B-11(1)~~; **150B-19(5)**;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0603 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14B .0603 POSTAGE AND HANDLING**

4 There will be a five dollar (\$5.00) charge for postage and handling for all mailings.

5

6 *History Note: Authority G.S. 12-3.1; ~~150B-11(1)~~; **150B-19(5); 88B-4;***

7 *Eff. December 1, 1990;*

8 *Temporary Amendment Eff. December 1, 2001;*

9 *Amended Eff. August 1, 2002;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0605 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14B .0605 COSMETOLOGIST LICENSE FEE AND STAGGERED LICENSE RENEWAL**  
4 **SCHEDULE**

5 (a) All cosmetology licenses expiring on and after October 1, 2013 shall pay the renewal fee of thirty-nine dollars  
6 (~~\$39.00~~), **(\$39.00) as required by G.S. 88B-20** and complete 24 hours of continuing education as required by G.S.  
7 88B-21 to be eligible for license renewal.

8 (b) Upon renewal of ~~the a~~ license expiring October 1, ~~2010~~ **2010**, the Board shall issue a new license with staggered  
9 expiration dates. Licensees shall be divided into renewal groups by first digit of license number and shall pay  
10 prorated fees for renewal as follows:

11

License Number (first digit in number)	Staggered Expiration Date	Fees/CE Hours Due
3, 4 or 5	October 1, 2011	\$13/0 hours
6 or 7	October 1, 2012	\$26/12 hours
0, 1, 2, 8 or 9	October 1, 2013	\$39/24 hours

12

13 *History Note: Authority G.S. 88B-20; 88B-21;*

14 *Eff. August 1, 1998;*

15 *Amended Eff. August 1, 2010;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*

18 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14B .0608 IS READOPTED AS PUBLISHED IN 40:06 NCR 566 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14B .0608 COMPLAINTS

4  
5 (a) ~~Any person may file a~~ **The Board shall accept any** complaint alleging violation of the Cosmetic Art Act or this  
6 Chapter ~~with the Board~~ for investigation and disciplinary action per G.S. 88B-24.

7 (b) The complaint shall be filed in writing with the Board. Complaints will be accepted ~~by fax, mail, email,~~ through  
8 the Board's online complaint form **portal** at ~~www.nccosmeticarts.com or delivered in office.~~

9 **www.nccosmeticarts.com**. Upon receipt of a complaint, Board staff shall review the content for jurisdiction and  
10 when finding authority under G.S. 88B ~~or this Chapter~~ assign the complaint for investigation. Complaints received  
11 alleging violation outside the jurisdictional authority of the Board shall be forwarded to the appropriate agency and  
12 the complainant notified, if contact information is provided by the complainant.

13 (c) The Board shall notify the complainant and the respondent in any complaint filed with the Board of the  
14 disposition of the case.

15 *History Note: Authority G.S. 88B-4;*  
16 *Eff. December 1, 2016*  
17 *Readopted Eff. April 1,*  
18 *2026;*

1 **21 NCAC 14B .0607 WAIVERS IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14B .0607 WAIVERS**

3 (a) Individuals who wish to request a waiver of a rule shall submit to the Board a written request which includes:

- 4 (1) The rule for which a waiver is requested;
- 5 (2) The reason for requesting the waiver along with supporting documents;
- 6 (3) Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and
- 7 (4) The signature of applicant.

8 (b) The Board shall approve a waiver request only if:

- 9 (1) The administrative rule for which the waiver is being requested is not mandated by law; and
- 10 (2) The Board finds that approval of the requested waiver shall not jeopardize the health and safety of
- 11 employees or the public.

12

13 *History Note: Authority G.S. 88B-4;*

14 *Eff. April 1, 2012;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

16 *13, 2015;*

17 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0101 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **SUBCHAPTER 14C - CONTESTED CASES**

4  
5 **SECTION .0100 - GENERAL RULES**

6  
7 **21 NCAC 14C .0101 ADMINISTRATIVE HEARINGS**

8 Whenever the Board proposes to deny, revoke, or suspend a license, permit, certificate of registration, or letter of  
9 approval issued by it, or at any other time when it deems a hearing legally required, it ~~must~~ **shall** give notice to the  
10 person affected of the Board's proposed action and the person's right to a hearing. The person may request a hearing  
11 by mailing or delivering to the Board a written request for a hearing. The Board will take the proposed action  
12 described in the notice unless it receives a request for a hearing prior to the date on which the Board proposes to act  
13 or the date specified in the notice. A request mailed to the Board is deemed timely if postmarked prior to the date on  
14 which the Board proposes to act or the date specified in the notice.

15  
16 *History Note: Authority G.S. 150B-38(h); 150B-40;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. January 1, 1989; April 1, 1988;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
20 *13, 2015;*

21 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0103 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0103 PRESIDING OFFICER**

4 If no other presiding officer has been designated by the Board, or if the designated presiding officer is unavailable or  
5 disqualifies ~~himself,~~ themselves, the chairman of the Board shall act as presiding officer for purposes of issuing  
6 subpoenas, ordering the production of records, responding to motions for continuances or extensions of time,  
7 controlling and ruling on issues surrounding discovery, and otherwise acting on matters arising in connection with a  
8 pending hearing and shall have all powers granted to the presiding officer under ~~Article 3A of Chapter 150B of the~~  
9 ~~North Carolina General Statutes.~~ G.S. 150B-40.

10

11 *History Note: Authority G.S. 150B-38(h); 150B-40(b);*

12 *Eff. April 1, 1988;*

13 *Amended Eff. January 1, 1989;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
15 *13, 2015;*

16 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14C .0201 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3 SECTION .0200 - REQUEST FOR A HEARING  
4

5 21 NCAC 14C .0201 REQUEST

6 When any person believes his their rights, ~~duties~~ duties, or privileges have been affected by administrative action of  
7 the Board, ~~he~~ they may request an administrative hearing.  
8

9 *History Note:* Authority G.S. ~~150B-2~~; 150B-22(b); 150B-38(h);

10 *Eff. February 1, 1976;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0203 IS READOPTED AS PUBLISHED IN 40:06 NCR 56 7WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0203 WRITTEN REQUEST**

4 ~~Following such an informal contact with the Board as set out in 21 NCAC 14C .0202, if still dissatisfied, one~~ **Any**  
5 **person** may file a written request for an administrative hearing with the chairman of the Board at its address.

6  
7 *History Note: Authority G.S. 150B-38; **93B-1(2); 88B-4;***

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0204 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0204 CONTENTS OF REQUEST**

4 A written request for an administrative hearing ~~must~~ **shall** contain the following information:

- 5 (1) name and address of petitioner,
- 6 (2) a concise statement of the Board action being challenged,
- 7 (3) a concise statement of the way in which the petitioner has been aggrieved, and
- 8 (4) a clear and specific demand for a hearing.

9

10 *History Note: Authority G.S. 150B-38; **88B-4**;*

11 *Eff. February 1, 1976;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14C .0205 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14C .0205 ACKNOWLEDGEMENT

4 Requests for administrative hearings must be promptly acknowledged **in writing** by the Board **within 30 days**  
5 and, if the person making the request is a person aggrieved, a hearing must be scheduled within a reasonable  
6 amount of time.

7

8 *History Note: Authority G.S. 150B-38; 88B-4;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0503 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS FOLLOWS:**

2 **21 NCAC 14C .0503 ADDITIONAL INFORMATION ON NOTICES OF HEARINGS**

3 In addition to the items specified in ~~North Carolina General Statutes~~ **G.S.** 150B-38(b) to be included in the  
4 notice, notices of administrative hearings ~~must~~ **shall** include the following information:

- 5 (1) the name, position, address and phone number of a member, employee, or agent of the Board  
6 to contact for further information or discussion;
- 7 (2) the date and place for any prehearing conference;
- 8 (3) the right to file a written response to the allegations in the notice of hearing no later than ten  
9 days prior to the scheduled hearing date; and
- 10 (4) other information deemed relevant to informing the party or parties as to the procedure for the  
11 hearing.

12 *History Note: Authority G.S. 150B-38; 88B-4;*  
13 *Eff. February 1, 1976;*  
14 *Amended Eff. January 1, 1989; September 1, 1988;*  
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
16 *13, 2015;*  
17 *Readopted Eff. April 1, 2026.*



1 21 NCAC 14C .0801 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3  
4 SECTION .0800 - INTERVENTION

5  
6 21 NCAC 14C .0801 INTERVENTION OF RIGHT

7 A motion to intervene of right as provided for in the North Carolina Rules of Civil Procedure, G.S. 1A-1 Rule  
8 24, ~~must~~ shall be granted if timely and the petitioner meets the criteria of ~~that rule.~~ Rule 24. For the purposes  
9 of intervention, Moving to intervene any time prior to the designated hearing's termination must be considered  
10 timely unless a grant of the right to intervene would cause substantial prejudice to the rights of a party,  
11 substantial added expense, or compellingly serious inconvenience to the parties.

12  
13 *History Note: Authority G.S. 150B-38; 150B-38(f);*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1989;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*

17 *January 13, 2015;*

18 *Readopted Eff. April 1, 2026.*

19  
20

1 **21 NCAC 14C .0802 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3

4 **21 NCAC 14C .0802 PERMISSIVE INTERVENTION**

5 A motion to intervene permissively as provided for in ~~North Carolina Rules of Civil Procedure, G.S. 1A-1~~  
6 Rule 24, ~~must~~ **shall** be granted if the petitioner meets the criteria of ~~that rule~~ **Rule 24** and the Board determines  
7 that:

- 8 (1) There is sufficient legal or factual similarity between the petitioner's rights, privileges, or  
9 duties and those of the other parties to the hearing; and  
10 (2) Permitting intervention by the petitioner as a party would aid the purposes of the hearing.

11

12 *History Note: Authority G.S. ~~150B-38~~; **150B-38(f)**;*  
13 *Eff. February 1, 1976;*  
14 *Amended Eff. January 1, 1989;*  
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*  
16 *January 13, 2015;*  
17 *Readopted Eff. April 1, 2026.*

18

19

1 **21 NCAC 14C .0803 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3

4 **21 NCAC 14C .0803 DISCRETIONARY INTERVENTION**

5 Discretionary intervention ~~must~~ **shall** be allowed by the Board upon a motion made before the termination of  
6 the hearing itself when the Board finds intervention would be helpful to a determination of the issues in the  
7 hearing.

8

9 *History Note: Authority G.S. ~~150B-38~~; **150B-38(f)**;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*

13 *January 13, 2015;*

14 *Readopted Eff. April 1, 2026.*

15

16

1 21 NCAC 14C .0804 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3

4 21 NCAC 14C .0804 ~~ADVISABILITY~~ INTERVENTION

5 Discretionary intervention will be ~~deemed advisable~~ allowed when:

6 (1) The information the petitioner desires to present is relevant and not repetitious or merely  
7 cumulative; and

8 (2) The petitioner would lend added impact facts to arguments of the parties.

9

10 *History Note: Authority G.S. ~~150B-38~~; 150B-38(f);*  
11 *Eff. February 1, 1976;*  
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*  
13 *January 13, 2015;*  
14 *Readopted Eff. April 1, 2026.*

15

1 **21 NCAC 14C .0805 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3

4 **21 NCAC 14C .0805 WRITTEN MOTION**

5 A person desiring to intervene in a contested case ~~must~~ **shall** file a written motion with the chairman of the  
6 Board at the Board's address.

7

8 *History Note: Authority G.S. ~~150B-38~~; **150B-38(f)***

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*

12 *January 13, 2015;*

13 *Readopted Eff. April 1, 2026.*

14

1 **21 NCAC 14C .0807 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0807 ALLOWANCE**

4 If the Board decides to allow intervention, notification of that decision will be issued promptly in writing  
5 within 30 days to all parties including the movant. In cases of discretionary ~~intervention~~ intervention, such  
6 notification ~~will~~ must include a statement of the limitations, if any, of time, subject matter, ~~evidence~~ evidence,  
7 or any other matters deemed necessary by the Board which are imposed upon the intervenor.

8

9 *History Note: Authority G.S. ~~150B-38~~; 150B-38(f)*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0808 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0808 DENIAL**

4 If the Board decides to deny intervention, the movant ~~must~~ **shall** be notified ~~promptly in writing,~~ **in writing**  
5 **within 30 days.** The notification must state the reasons for the decision and must be issued to the movant and  
6 to all parties.

7

8 *History Note: Authority G.S. ~~150B-28;~~ **150B-38;***

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0903 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0903 BIAS OF BOARD MEMBER**

4 If for any reason a board member determines that personal bias or other factors would keep that member from  
5 being able to hear a contested case and perform all duties concerning the hearing in an impartial manner, that  
6 member shall submit in writing to the Board his or her disqualifications and the reasons ~~therefor~~ **therefore**.

7

8 *History Note: Authority G.S. 150B-38(h); 150B-40;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0904 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0904 BIAS CLAIMED BY PARTY**

4 If ~~for any reason~~ any party in a contested case believes that a board member is personally biased or otherwise  
5 unable to conduct the hearing and perform all duties in an impartial manner, the party may file with the Board  
6 a sworn notarized affidavit stating the reasons for such belief and all relevant facts.

7

8 *History Note: Authority G.S. ~~150B-38(8)~~; **150B-38(h)**; 150B-40;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0906 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0906 FILING AFFIDAVIT**

4 An affidavit of disqualification will **to disqualify a board member shall** be considered timely if **it was** filed at  
5 least ten days prior to the scheduled hearing date. Any other affidavit may be found timely provided it is filed  
6 at the first opportunity after the party becomes aware of **the** facts which give rise to a reasonable belief that any  
7 board member may be disqualified.

8

9 *History Note: Authority G.S. 150B-38(h); 150B-40;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14C .0907 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14C .0907 DISQUALIFICATION

4 The remainder of the members of the ~~board~~ Board shall decide whether to disqualify the ~~person~~ board member  
5 being challenged by the following procedural rules:

6 (1) The ~~person~~ board member whose disqualification is to be determined will not participate in  
7 the decision but may be called upon to furnish information to the remaining members of the  
8 Board conducting the hearing.

9 (2) The Board shall appoint a member of the ~~Board~~ Board, ~~or~~ the executive ~~secretary~~ director, or  
10 any other appropriate person to investigate the allegations of the affidavit, if ~~necessary~~  
11 necessary, and report his or her findings or recommendations.

12 (3) The Board shall decide by majority vote, or Board Chair in case of a tie vote, whether to  
13 disqualify the challenged individual on the basis of all relevant and appropriate information  
14 available to it.

15

16 *History Note: Authority G.S. 150B-38(h); 150B-40;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. January 1, 1989; April 1, 1988;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
20 *13, 2015;*

21 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0908 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14C .0908 NEW HEARING**

4 When a board member is disqualified after ~~the~~ **a** hearing has begun, a new hearing ~~must~~ **shall** be initiated upon  
5 **request.** ~~request if any party would be prejudiced by the denial of the request.~~

6  
7

8 *History Note: Authority G.S. 150B-38(h); 150B-40;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14D .0101 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3 SUBCHAPTER 14D - CONDUCT OF THE CONTESTED CASE

4

5 SECTION .0100 - FAILURE TO APPEAR

6

7 21 NCAC 14D .0101 PROCEEDING WITHOUT PARTY

8 Should a party who has been served with notice fail to appear at a scheduled hearing without having previously been  
9 granted a continuance, the Board may either proceed with the hearing in the party's absence, **or** continue the ~~hearing,~~  
10 ~~or dismiss the proceeding.~~ **hearing.**

11

12 *History Note: Authority G.S. 150B-38(c); 150B-38(h); 150B-40;*

13 *Eff. February 1, 1976;*

14 *Amended Eff. January 1, 1989; April 1, 1988;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
16 *13, 2015;*

17 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14D .0103 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14D .0103 CONTINUANCES

4 A continuance will ~~will~~ **shall** be granted to ~~a party~~ **all parties** only ~~in compelling circumstances.~~ **upon showing of good**  
5 **cause.** ~~Usually only one such postponement will be allowed.~~ **In determining whether to grant such motions, the**  
6 **Board shall consider the Guidelines for Resolving Scheduling Conflicts adopted by the State-Federal Judicial**  
7 **Council of North Carolina accessible at [https://www.ca4.uscourts.gov/docs/pdfs/north-carolina-scheduling-conflict-](https://www.ca4.uscourts.gov/docs/pdfs/north-carolina-scheduling-conflict-guidelines.pdf?sfvrsn=d9baf07_0)**  
8 **[guidelines.pdf?sfvrsn=d9baf07\\_0](https://www.ca4.uscourts.gov/docs/pdfs/north-carolina-scheduling-conflict-guidelines.pdf?sfvrsn=d9baf07_0).** **Motions for a continuance must be in writing and received in the office of the**  
9 **Board no less than 14 calendar days before the hearing date. A motion for a continuance filed less than 14 calendar**  
10 **days from the date of the hearing shall be denied unless the reason for the motion could not have been ascertained**  
11 **earlier. Motions for continuance shall be ruled on by the Board chair or designated presiding officer.**

12

13 *History Note: Authority G.S. 150B-38(h); 150B-40;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1989; April 1, 1988;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*

18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0104 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0104 PETITION TO REOPEN**

4 (a) If a hearing is conducted and if a decision is reached in the absence of a party, the party may petition the Board  
5 ~~for a reopening of~~ **to reopen** the case. Petitions will not be granted except when the petitioners show that the reason  
6 for failure to appear was ~~justifiable and~~ unavoidable and that fairness and justice require ~~a reopening of~~ the case.

7 (b) All petitions ~~for reopening of~~ **to reopen** the case shall be in writing and addressed to the chairman of the Board  
8 at ~~it's~~ **their** address, and shall contain the following information:

- 9 (1) the name and address of the petitioner,  
10 (2) a full identification of the hearing which the petitioner is seeking to reopen, and  
11 (3) a detailed explanation of the reasons for the petitioner's desire to reopen the hearing.

12  
13 *History Note: Authority G.S. 150B-38;*  
14 *Eff. February 1, 1976;*  
15 *Amended Eff. January 1, 1989; April 1, 1988;*  
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*  
18 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14D .0105 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS  
2 FOLLOWS:

3 21 NCAC 14D .0105 CRITERIA FOR REOPENING A CASE

4 The Board shall make a decision on whether to reopen the petitioner's case based upon the merits of the petition or  
5 other pertinent information in the Board's possession. In determining whether to grant such motions, the Board shall  
6 consider the Guidelines for Resolving Scheduling Conflicts adopted by the State-Federal Judicial Council of North  
7 Carolina accessible at [https://www.ca4.uscourts.gov/docs/pdfs/north-carolina-scheduling-conflict-](https://www.ca4.uscourts.gov/docs/pdfs/north-carolina-scheduling-conflict-guidelines.pdf?sfvrsn=d9baf07_0)  
8 guidelines.pdf?sfvrsn=d9baf07\_0. Motions to reopen must be in writing and received in the office of the Board no  
9 less than 14 calendar days before the hearing date. A motion to reopen filed less than 14 calendar days from the date  
10 of the hearing shall be denied unless the reason for the motion could not have been ascertained earlier. Motions for  
11 continuance shall be ruled on by the Board chair or designated presiding officer. A copy of the decision will be sent  
12 to the petitioner and made a part of the permanent record of the contested case.

13  
14 *History Note: Authority G.S. 150B-38;*  
15 *Eff. February 1, 1976;*  
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
17 *13, 2015;*  
18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0302 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0302 ISSUANCE**

4 Subpoenas requiring the attendance of witnesses or ~~those~~ to produce documents, evidence or things must be issued  
5 by the chairman of the Board or his **their** agent within three business days of the receipt of a request from a party to  
6 a contested case.

7

8 *History Note: Authority G.S. 150B-38(h); 150B-39;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; August 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0303 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0303 SERVICE OF SUBPOENAS**

4 (a) Subpoenas ~~may~~ shall be served in any manner provided by law. **G.S.1A-1, Rule 45.**

5 (b) Subpoenas shall be issued in duplicate with a "Return of Service" form attached to each copy. The person  
6 serving the subpoena shall fill out the "Return of Service" form for each copy and ~~promptly~~ **upon service** return one  
7 copy of the subpoena with the attached "Return of Service" form completed to the Board.

8

9 *History Note: Authority G.S. 150B-27;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

13 *13, 2015*

14 *Readopted April 1, 2026.*

1 **21 NCAC 14D .0305 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0305 OBJECTIONS**

4 Any person receiving a subpoena may object ~~thereto~~ by filing a written objection with the Board.

5

6 *History Note: Authority G.S. 150B-38(h); ~~150B-39~~; **150B-39(c)***

7 *Eff. February 1, 1976;*

8 *Amended Eff. January 1, 1989; April 1, 1988;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1       **21 NCAC 14D .0306 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2       **FOLLOWS:**

3       **21 NCAC 14D .0306 STATEMENT OF REASONS**

4       An objection to a subpoena ~~must~~ **shall** include a ~~concise but~~ complete statement of reasons why the subpoena  
5       should be ~~revoked or modified.~~ **quashed.** These reasons may include lack of relevancy of the evidence  
6       requested, lack of particularity in the description of the evidence sought, or any other **legal** reason ~~sufficient in~~  
7       **law for holding** **declaring** the subpoena invalid, such as that the evidence is privileged or that appearance or  
8       production would be so disruptive as to be unreasonable in light of the significance of the evidence sought or  
9       would produce some other undue ~~hardship.~~ **hardship to the party.**

10  
11       *History Note:*                *Authority G.S. 150B-38(h); ~~150B-39;~~ **150B-39(c);***  
12                                        *Eff. February 1, 1976;*  
13                                        *Amended Eff. January 1, 1989;*  
14                                        *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*  
15                                        *January 13, 2015;*  
16                                        *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0307 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0307 SERVICE OF OBJECTIONS**

4 Any objections to a subpoena filed with the Board ~~must~~ **shall** be simultaneously served on the party requesting the  
5 subpoena.

6  
7 *History Note: Authority G.S. 150B-38(h); ~~150B-39~~; **150B-39(c)**;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0308 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0308 RESPONSES TO OBJECTIONS**

4 The party requesting the subpoena, within 10 ~~days~~, **days of service of the subpoena** may file a written response to  
5 the objection. The response shall be served in like manner as the objection.

6

7 *History Note: Authority G.S. 150B-38(h); ~~150B-39~~; 150B-39(c);*

8 *Eff. February 1, 1976;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0309 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0309 HEARINGS ON SUBPOENA CHALLENGES**

4 After receipt of the objection and a response thereto, if any, the hearing board panel or the presiding officer shall  
5 issue a notice of hearing to the party who requested the subpoena and the party challenging ~~it~~ it, and may notify all  
6 other parties of a hearing before the Board to be scheduled within ~~a reasonable time~~ 1 year at which hearing  
7 evidence and testimony may be presented by all parties limited to the questions raised by the subpoena, the  
8 objection, and subsequent responses thereto.

9

10 *History Note: Authority G.S. ~~88-23~~; 150B-25; 150B-39;*

11 *Eff. February 1, 1976;*

12 *Amended Eff. April 1, 1988;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

14 *13, 2015; April 1, 2026.*

15

1 **21 NCAC 14D .0310 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**  
2 **FOLLOWS:**

3 **21 NCAC 14D .0310 RULINGS**

4 ~~Promptly~~ **Within 30 days** after the close of any hearing on an objection to a subpoena, the Board will issue a written  
5 decision. Based on the evidence presented and the record, the Board may revoke or modify the subpoena for good  
6 cause, based on such issues as oppressiveness, relevancy, and other appropriate factors, or may overrule the  
7 objection to the subpoena. A written copy of the decision will be served on the person objecting to the subpoena  
8 and all parties to the hearing.

9

10 *History Note: Authority G.S. 150B-38(h); 150B-39;*

11 *Eff. February 1, 1976;*

12 *Amended Eff. January 1, 1989; April 1, 1988;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
14 *13, 2015;*

15 *Readopted Eff. April 1, 2026.*