

1 21 NCAC 34A .0128 is proposed for adoption as follows:

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3 **21 NCAC 34A .0128 WAIVER**

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

7 (1) degree of disruption to the Board;

8 (2) cost to the Board;

9 (3) degree of benefit to the public;

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

11 (5) notice to and opposition by the public;

12 (6) need for the waiver; and

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

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

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

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23 *History Note: Authority G.S. 90-210.23(a); 150B-19(6);*

24 *Emergency Adoption Eff. April 14, 2020;*

25 *Temporary Adoption Eff. July 24, 2020- 2020;*

26 *Eff. March 1, 2021.*