

21 NCAC 36 .0114 is proposed to be adopted as follows:

21 NCAC 36 .0114 WAIVER OF ENFORCEMENT

(a) The Board may waive, upon written request or on its own initiative, the enforcement of specific rules in this Chapter so long as the waiver is consistent with the Board's mission, authorized by law, and will not impair the rights of any party. Factors the Board shall use in determining whether to grant the waiver are:

(1) degree of benefit to the public;

(2) degree of disruption to the Board;

(3) cost to the Board;

(4) whether the requesting party had control over the circumstances to support a request for a waiver;

(5) notice to and opposition by the public, provided that notice would not conflict with laws prohibiting disclosure of information;

(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 a declared state of emergency authority by a federal, state, or local governmental authority impacting North Carolina citizens in order to increase access to care.

(c) The party requesting waiver of a rule shall submit a written request to the Board at lawsrules@ncbon.com. The written request shall include the rule(s) for which a waiver is sought and an explanation as to why the rule(s) should be waived with any supporting documentation.

History Note: Authority G.S.90-171.23(3); 90-171.49; 90-12.5; 150B-19(6); 21 NCAC 36 .0814.

Eff. December 1, 2026.