

10A NCAC 27G .0803 PROCEDURE FOR WAIVERS BY COMMISSION

If any rule for which waiver is requested was adopted pursuant to the rule-making authority of the Commission, the procedures set forth in this Rule shall be followed:

- (1) The person requesting the waiver shall be notified regarding the time and place of the meeting at which the Commission will vote upon the waiver request. At the discretion of the Chairman of the Commission, the person requesting the waiver and any other interested person may be given the opportunity to speak regarding the waiver request.
- (2) Decisions regarding waiver requests shall be based upon, but not limited to, the following:
 - (a) the nature, extent, and rationale of the request; and
 - (b) safeguards to ensure that the health, safety or welfare of clients will not be threatened.
- (3) The Commission's decision shall be issued in writing by the Chairman of the Commission and shall state:
 - (a) the factual situation giving rise to the waiver request;
 - (b) the decision that the waiver request was granted, or granted subject to certain conditions;
 - (c) the time frame, if the waiver is granted; and
 - (d) the reason, if the waiver request was denied.
- (4) The waiver may be granted retroactively:
 - (a) to the date of the authorization as described in Item (6) of Rule .0802 of this Section; or
 - (b) to the time frame requested by the Division Director if the waiver is submitted in accordance with Rule .0806 of this Section.

History Note: *Authority G.S. 143B-147(a)(8);*
Eff. May 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20,
2019.