

## **21 NCAC 18B .0908 MALPRACTICE**

(a) The provisions of the North Carolina Building Code, including the provisions of the National Electrical Code as modified and adopted by the Building Code Council of North Carolina from time to time, is a minimum standard of competence applicable to contractors licensed by the Board. Malpractice consists in failure to design and install systems that meet or exceed the minimum standards of the North Carolina State Building Code, Manufacturer's specifications and installation instructions and standards prevailing in the industry.

(b) Malpractice may consist in lack of knowledge of Code, Manufacturer's specifications and industry standards, in a failure to apply such technical knowledge, in undertaking a project that is not planned and supervised, or in undertaking a project that the licensee may not reasonably expect to complete timely and in accordance with codes, specifications, and industry standards.

(c) Where work is carried out by employees of the licensee, failure to provide supervision of such employees, whether by consistent absence from the workplace or jobsite, or as demonstrated by the failure of the work to comply with this rule, also constitutes malpractice on the part of the licensee.

(d) Where more than one qualified individual, as defined in G.S. 87-41.1(1) is employed at a firm, each such person is responsible for the work of the firm.

*History Note: Authority G.S. 87-42; 87-47; 87-50;*

*Eff. April 15, 2003;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016.*