

## **10A NCAC 70L .0102 WAIVER OF LICENSING RULES**

The North Carolina Department of Health and Human Services, Division of Social Services is the licensing authority and shall allow a waiver to a licensing rule or rules to persons subject to licensure pursuant to G.S. 131D, Article 1A in accordance with the following criteria:

- (1) Persons seeking a waiver shall submit a written request on a form developed by the licensing authority, to the licensing authority showing that another way of meeting a rule maintains the health, safety, and well-being of individuals being served at or above the level required by the rule.
- (2) No waiver shall be allowed by the licensing authority to any rule based on a standard adopted by the Building Code Council and subject to the general supervision and enforcement of the Commissioner of Insurance.
- (3) No waiver shall be allowed by the licensing authority to any rule governing fire safety.
- (4) No waiver shall be allowed by the licensing authority to any rule based upon a standard adopted by the Commission for Public Health.
- (5) The waiver when allowed remains in effect for the term of the license and may be renewed if the licensing authority determines that the health, safety and well-being of individuals being served are not threatened.
- (6) Upon receipt of the waiver request form, a decision to grant or deny the waiver shall be made by the licensing authority within 10 business days of its receipt.

*History Note: Authority G.S. 131D-10.5; 131D-10.6; 150B-22; 150B-23;  
Eff. April 1, 1984;  
ARRC Objection March 16, 1988;  
Amended Eff. May 1, 1990; August 1, 1988;  
Temporary Amendment Eff. October 28, 1997;  
Amended Eff. October 1, 2008; April 1, 1999;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*