

§ 58-64A-35. Waiver or modification.

The Commissioner may waive or modify any provision of this Article if the Commissioner determines a waiver or modification is justified based on any of the following:

- (1) A state of emergency or disaster being proclaimed in this State or for an area within this State under G.S. 166A-19.20 or G.S. 166A-19.21 or whenever the President of the United States has issued a major disaster declaration for the State or for an area within the State under the Stafford Act, 42 U.S.C. § 5121, et seq.
- (2) An incident beyond a provider's reasonable control, including an act of God, insurrection, strike, fire, pandemic, epidemic, power outage, or systemic technological failure that substantially affects the daily business operations of a provider or a continuing care retirement community. (2025-58, s. 2.)