

Burgos, Alexander N

From: Baker, Denise
Sent: Monday, October 27, 2025 10:11 AM
To: Wiggs, Travis C; Burgos, Alexander N; Ascher, Seth M
Subject: RE: Periodic Review 10 NCAC 26, 27, 28

It is; thank you so much.

W. Denise Baker, M.A., L.P.A., J.D.
Team Leader, Legislative and Regulatory Affairs
Division of MH/DD/SAS
[NC Department of Health and Human Services](#)

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, October 27, 2025 9:47 AM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: RE: Periodic Review 10 NCAC 26, 27, 28

Hey Ms. Baker,

To confirm, you're requesting that the rules in 27E, 27F, 27H, and 27I have a January 1, 2031 readoption date? If so, that works for me, and we will add it to the agenda for this Thursday.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Monday, October 27, 2025 9:40 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ascher, Seth M

<seth.ascher@oah.nc.gov>

Subject: RE: Periodic Review 10 NCAC 26, 27, 28

Hi Travis –

Thanks so much for reaching out. I had originally proposed a date of December 2030 for the rules in 27E, 27F, 27H, and 27I. Unfortunately, when you offered the January 1, 2030 date for these rules, I'd forgotten that I'd proposed that date for the other rules listed below. Would you agree to a January 1, 2031 readoption date as reflected below instead?

W. Denise Baker, M.A., L.P.A., J.D.

Team Leader, Legislative and Regulatory Affairs

Division of MH/DD/SAS

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, October 27, 2025 8:58 AM

To: Baker, Denise <Denise.Baker@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>

Subject: RE: Periodic Review 10 NCAC 26, 27, 28

Good morning, Ms. Baker,

We're finalizing the agenda for the RRC meeting this Thursday and want to clarify the readoption dates for your agency.

Seth has these rules on the agenda:

COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES	10A NCAC 26C	NOVEMBER 1, 2027	15
COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES	10A NCAC 27C, 28B, 28C, 28D, AND 28E	JANUARY 1, 2030	65

I have these:

DHHS-COMMISSION FOR MENTAL HEALTH/DD/SAS	10A NCAC 27, 28	JANUARY 1, 2030 JANUARY 1, 2031	85
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It seems there's some overlap with the readoption deadlines for Chapters 27-28. Can you clarify if all the rules from those chapters should have a readoption date of January 1, 2030?

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Sent: Monday, October 27, 2025 8:47 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: FW: Periodic Review 10 NCAC 26, 27, 28

Is there an overlap?

Travis already has 10A NCAC 27, 28 - DHHS - Division of Mental Health/DD/SAS (Wiggs)

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Paralegal
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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, October 24, 2025 4:28 PM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: Periodic Review 10 NCAC 26, 27, 28

Denise,

The dates you propose work for me and I anticipate recommending that the RRC set them at the October 30 meeting, beginning at 10 AM. Please let me know if anyone else from your agency needs a webex invite.

Attached is a memo memorializing the recommendation. Let me know if you have any questions or see any errors.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Friday, October 17, 2025 3:12 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: RE: Periodic Review 09 NCAC 26, 27, 28

Hi Seth –

Readoption Dates:

1. I respectfully request that the readoption date for the rules in 10A NCAC Subchapter 26C, including .0101-.0105, .0402, and .0501-.0504 be set as November 1, 2027. While some of the rules in Subchapter 26C were adopted per the authority of the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission), collectively, this entire subchapter is comprised of general rules governing the mental health, developmental disabilities and substance use service delivery system. Adopting them within the same timeframe allows the rules to become effective at the same time.
2. I respectfully request that the readoption date for the rules in 10A NCAC Subchapters 27C, 28B, 28C, 28D, and 28E be set as January 1, 2030. With the exception of the rules in Subchapter 27C, these rules govern state-operated facilities and services; the facilities include state-operated psychiatric hospitals, developmental centers, alcohol and drug abuse treatment centers, residential programs for children, and neuro-medical centers. While the Commission is permitted to adopt these rules without substantive changes, the date proposed will allow time for coordination with leadership and staff of the Division of State-Operated Healthcare Facilities to ensure alignment with agency priorities and other laws impacting their operation to include the rights of consumers served therein.

Rulemaking Priorities

1. The community mental health, developmental disabilities, and substance abuse service delivery system is in a period of transition as we implement a Tailored Plan approach for the delivery of State-funded services. This will, by necessity, require revisions to the existing rules governing the system's operation. While we are permitted to readopt the rules without substantive changes, our goal is to incorporate any essential changes in a single rulemaking initiative and avoid have to again amend readopted rules within a short period of time.
2. Implementation of the Centers for Medicare and Medicaid Services 1115 Substance Use Disorders Demonstration Waiver which will require additional consultation to ensure compliance with the same. This, too, is expected to require changes that may require further amendment of readopted rules.
3. The Commission is already tasked with the readoption of all the rules in 10A NCAC Subchapter 27G, which includes approximately 200 rules, by January 1, 2029.

Readoption plan –

1. Engage staff of the following Divisions in the readoption process as these rules directly impact and/or govern their respective areas of work: DMH/DD/SUS; DCFWB; DHSR; and DHB.
2. Identify which rules, if any, could be readopted without substantive changes.
3. Identify which rules will require substantive changes in content, scope, and implementation.

4. Consult with the Office of State Budget Management regarding development and its approval of fiscal notes where applicable.
5. Publication of the Rules
6. Final Approval of the Rules
7. Submission to RRC for Review

Thank you for your consideration of this request. Please let me know if you have questions or if additional information is required.

Thank you,
Denise

W. Denise Baker, M.A., L.P.A., J.D.

Team Leader, Legislative and Regulatory Affairs
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From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Friday, August 15, 2025 1:36 PM

To: Julie B. Eddins <julie.eddins@oah.nc.gov>; Baker, Denise <Denise.Baker@dhhs.nc.gov>

Subject: Re: Periodic Review 09 NCAC 26, 27, 28

Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is October 13, 2025. As a starting point, I would recommend a April 1, 2028 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
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(984) 236-1934

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From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Thursday, May 22, 2025 8:13 AM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review 09 NCAC 26, 27, 28

Good afternoon,

The determinations in the attached periodic review report for 10A NCAC 26, 27, 28 were effective April 30, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date.

Let me know if you have any questions.

Julie B. Eddins

Publications Coordinator

NC Office of Administrative Hearings

Phone 984-236-1937 (direct) – new number effective March 14, 2025

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