

## **Burgos, Alexander N**

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**Subject:** FW: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Thursday, August 28, 2025 3:05 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

Thanks Seth and have a great weekend.

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Thursday, August 28, 2025 3:04 PM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Re: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

Attached is a letter memorializing the readoption deadline set by the RRC at today's meeting.

### **Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Monday, August 18, 2025 3:33 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

You are welcome and have a great week!

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Monday, August 18, 2025 3:32 PM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Re: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

Thank you, those are great.

Attached is the staff opinion memorializing the September 1 deadline that I plan to recommend at the August 28<sup>th</sup> meeting at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting, or you are welcome to attend in person. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

### Seth Ascher

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Monday, August 18, 2025 3:25 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Subject:** RE: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

Hey Seth,

Hope you had a good weekend. The timelines for both rules are the same. This is what their agencies agreed on.

Please let me know if you need anything else.

Thanks

Contact: Geary Knapp

Authority: IDA NCAL 13A

**DHSR Rule-making Process**

Section: MCC HB74  # Rules: \_\_\_\_\_

Rule(s): MCC Executive Committee

Receipt Rule change request:

Respond to Petitioner:

- Rule Pre-Review by RRC ( / / / ): By _____ Sent _____ Received _____
- Fiscal Note Consult with OSBM: _____
- Fiscal Note Reviewed by DHHS Budget Office: By _____ Sent _____ Approved _____
- Rule Text Reviewed by DHHS Legal: By _____ Sent _____ Day 30 _____ Approved _____
- To OSBM for Fiscal Note Approval & Certification: By _____ Sent _____
Fiscal Note Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No Date: <u>Oct 2025</u> S L SubE None
Certification Obtained: <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____ <input type="checkbox"/> N/A Repeals, Readopt wo

Federal Certification:  Yes  No Sent to OSBM:  Yes Date: \_\_\_\_\_  N/A

Agency Approval: (Div. Dir. MCC/RPC/Sec.) (rule/fiscal note): Nov 2025  Yes  No  
(Div. Dir./MCC/RPC/Sec.) (rule/fiscal note): \_\_\_\_\_  Yes  No  N/A

To OAH: Latest Day to Submit: 11/20/25 Actual Day: \_\_\_\_\_

On day of or before publication in Register:  
 Interested Parties Letter & rules: 12/15/25  
 Post on DHSR Website: Sent to webmaster \_\_\_\_\_ Live date \_\_\_\_\_ (rule; explain rule & reason, submit comments, object, subject to leg rev, fed cert, fiscal note if applicable)

Date Published in Register: 12/15/25 Register Issue: 40:12 Pages of Register: \_\_\_\_\_

Public Hearing Date: (earliest) 12/30/25 Actual: \_\_\_\_\_

End of Comment Period: 2/13/26  
Posted to Web: Public Comments \_\_\_\_\_ Public Hearing Minutes: \_\_\_\_\_

Agency Adoption (Div. Dir. MCC/RPC/Sec.) (rule/fiscal note): May 2026  Yes  No  
(Div. Dir./MCC/RPC/Sec.) (rule/fiscal note): \_\_\_\_\_  Yes  No

To RRC: Deadline to Submit: June 20, 2026 Actual Day: \_\_\_\_\_  
\*\*Posted to web: All rule changes based on comments/technical changes: \_\_\_\_\_

RRC Meeting: July 2026 Approved:  Yes  No

Effective Date of Rules: August 1, 2026

Sept 1, 2027 readoption deadline

Contact: Beverly Speroff

Authority: MCC

**DHSR Rule-making Process**

Section: Rules For the Licensing of Nursing Homes HB74  # Rules: 64

Rule(s): 10A NCAC 13D

Receipt Rule change request:

Respond to Petitioner:

- Rule Pre-Review by RRC ( / / / ): By _____ Sent _____ Received _____
- Fiscal Note Consult with OSBM: <u>Sept 1, 2025</u>
- Fiscal Note Reviewed by DHHS Budget Office: By <u>Oct 2025</u> Sent _____ Approved _____
- Rule Text Reviewed by DHHS Legal: By <u>Oct 2025</u> Sent _____ Day 30 _____ Approved _____
- To OSBM for Fiscal Note Approval & Certification: By <u>Oct 2025</u> Sent _____
Fiscal Note Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____ S L SubE None
Certification Obtained: <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____ <input type="checkbox"/> N/A Repeals, Readopt wo

Federal Certification:  Yes  No Sent to OSBM:  Yes Date: \_\_\_\_\_  N/A

Agency Approval: (Div. Dir./MCC/RPC/Sec.) (rule/fiscal note): Nov 2025  Yes  No  
(Div. Dir./MCC/RPC/Sec.) (rule/fiscal note): \_\_\_\_\_  Yes  No  N/A

To OAH: Latest Day to Submit: 11/20/25 Actual Day: \_\_\_\_\_

On day of or before publication in Register:

- Interested Parties Letter & rules: 12/15/25
- Post on DHSR Website: Sent to webmaster \_\_\_\_\_ Live date \_\_\_\_\_ (rule; explain rule & reason, submit comments, object, subject to leg rev, fed cert, fiscal note if applicable)

Date Published in Register: 12/15/25 Register Issue: 40:12 Pages of Register: \_\_\_\_\_

Public Hearing Date: (earliest) 12/30/25 Actual: \_\_\_\_\_:

End of Comment Period: 2/13/26  
Posted to Web: Public Comments \_\_\_\_\_ Public Hearing Minutes: \_\_\_\_\_

Agency Adoption (Div. Dir./MCC/RPC/Sec.) (rule/fiscal note): May 2026  Yes  No  
(Div. Dir./MCC/RPC/Sec.) (rule/fiscal note): \_\_\_\_\_  Yes  No

To RRC: Deadline to Submit: June 20, 2026 Actual Day: \_\_\_\_\_  
\*\*Posted to web: All rule changes based on comments/technical changes: \_\_\_\_\_

RRC Meeting: July 2026 Approved:  Yes  No

Effective Date of Rules: August 1, 2026

*Sept 1, 2027 readoption deadline*

## Burgos, Alexander N

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**Subject:** FW: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Monday, August 18, 2025 3:08 PM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Subject:** Re: readoption deadlines 10A NCAC 13A and 10A NCAC 13D

Shanah,

Thank you for getting back to me, and I expect that the Commission will approve that deadline at the August 28<sup>th</sup> meeting.

However, the Commission does require a planned timeline for readoption, pursuant to 26 NCAC 05 .0212. This can be pretty simple, and is fine to send it to me in an email.

If it is helpful, the Commissioner of Banks is a good example of a straightforward timeline approved at a previous meeting. You can see it here starting on page 2 of the communication: <https://www.oah.nc.gov/commissioner-banks-agency-communication/open>. Note that only the readoption date is binding, the dates in the proposed timeline are for your planning purposes and so RRC can fully consider your plan.

Let me know if you have any questions.

### Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Monday, August 11, 2025 3:04 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** readoption deadlines 10A NCAC 13A and 10A NCAC 13D

Good afternoon,

I just wanted to make sure I had emailed you and told you the readoption deadline Sept 1, 2027 was okayed by the agencies for these rule sets.

Thanks and have a good afternoon.

Shanah Black  
Rule-making Coordinator  
Division of Health Service Regulation  
[NC Department of Health and Human Services](http://www.ncdhhs.gov)

Work Cell: 919-896-9371  
Office: 919-855-3481  
Fax: 919-733-2757  
[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)

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2701 Mail Service Center  
Raleigh, NC 27699-2701

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## **Burgos, Alexander N**

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**From:** Ascher, Seth M  
**Sent:** Monday, August 18, 2025 3:09 PM  
**To:** Burgos, Alexander N  
**Subject:** Fw: Periodic Review 10A NCAC 13A, 13D

This is an earlier communication chain in the readoption deadline for these rules.

### **Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Friday, April 25, 2025 12:50 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Subject:** RE: Periodic Review 10A NCAC 13A, 13D

Good afternoon,

We will provide what is needed by August 18. I think a Sept. 1, 2027 readoption deadline is sufficient. Thanks for your assistance and have a great weekend.

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**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Sent:** Friday, April 25, 2025 12:42 PM  
**To:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Subject:** Re: Periodic Review 10A NCAC 13A, 13D

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 August 18, 2025. As a starting point, I would recommend a September 1, 2027 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  
Office of Administrative Hearings  
(984) 236-1934

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**From:** Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>  
**Sent:** Thursday, April 17, 2025 12:36 PM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Subject:** Periodic Review 10A NCAC 13A, 13D

Good afternoon,

The determinations in the attached periodic review reports for 10A NCAC 13A, 13D were effective April 2, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date for the rules in the report designated necessary.

The rules designated, as unnecessary will expire effective May 1, 2025.

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*

[\*julie.eddins@oah.nc.gov\*](mailto:julie.eddins@oah.nc.gov)



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