

Burgos, Alexander N

Subject: FW: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

From: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Sent: Wednesday, November 12, 2025 2:20 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Hi Mr. Wiggs:

We very much appreciate a readoption deadline of August 1, 2029. Thank you!

Shazia A. Keller, JD
Pronouns: she/her/hers
Assistant General Counsel
Division of Health Benefits
NC Department of Health and Human Services
Mobile: 919-218-1372
Fax: 919-733-6608
Shazia.Keller@dhhs.nc.gov ([preferred contact method](#))

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Raleigh, NC 27607
2501 Mail Service Center
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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, November 12, 2025 2:15 PM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

2029

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>

Sent: Wednesday, November 12, 2025 2:14 PM

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

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

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Hi Mr. Wiggs:

Please confirm, did you mean August of 2029 or 2028?

Shazia A. Keller, JD

Pronouns: she/her/hers

Assistant General Counsel

Division of Health Benefits

NC Department of Health and Human Services

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

Sent: Wednesday, November 12, 2025 1:42 PM

To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Good afternoon,

The Periodic Review/Readoption process is taking place over a 10-year period and involves all the state agencies subject to rulemaking. Seth and I are attempting to spread the rules out as much as possible (approximately 150 rules set for readoption each month) while doing our best to accommodate the needs and priorities of each agency. This is a very fluid process. Since I emailed you on September 11th, we now have 238 rules scheduled for readoption on October 1, 2028 and cannot schedule any more rules for that month.

Please reply to confirm if your agency wants to set the readoption deadline for **August 1, 2029**.

Please let me know if you have any questions or concerns.

Thanks,

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

Burgos, Alexander N

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Please let me know if you have any questions or concerns.

Thanks,

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

Burgos, Alexander N

From: Keller, Shazia A
Sent: Wednesday, November 12, 2025 12:43 PM
To: Wiggs, Travis C
Cc: Burgos, Alexander N
Subject: RE: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Good Afternoon Mr. Wiggs:

DHB recognizes that the July 1, 2028, readoption deadline was thoughtfully proposed. However, we would like to request a few additional months, with a proposed **readoption deadline of October 1, 2028**.

The agency's proposed deadline, below, was crafted after evaluating the scope of the rules and the ever-evolving federal framework pertaining to all DHB rules alongside the overall work of the agency and our resources. Readoption of Chapter 21 and 22 NCAC rules is a priority project across many teams. There are a limited number of staff with the depth of experience, training, and expertise to assist in the readoption work. In addition to rulemaking priority, the same staff is also heavily involved in other deeply analytical and time-consuming work. A few examples include:

- adapting to State budget appropriation shortfall and assisting with associated litigation;
- implementing significant changes around Medicaid financing, services, and community engagement requirements for eligibility required under [H.R. 1](#);
- day to day program operations including launch of new Children and Families Specialty Plan for foster care children and their families.

A few months extra time would be helpful in managing the various priorities.

Rulemaking Steps; Proposed Roles and Timelines

January 1, 2026-November 30, 2026

1. Review rule for any updates necessary due to a change in State law, Federal law, State Plan or internal practices. Also review to see if rule overlaps another program/agency's to avoid inconsistency. (SME)
2. If the rule is changed, determine if the change will require any unit of local government to carry out additional or modified responsibilities or increase cost of a service they help fund or otherwise modify their expenditures/revenues (G.S. 150B-21(c)). (SME)
3. Determine if rule is purported to implement a federal law, or required by or necessary for compliance with federal law, or on which the receipt of federal funds is conditioned and prepare federal certification (G.S. 150B-19.1(g) for posting with notice of text. (SME)

October 1, 2026-May 31, 2027

4. Submit draft rules to RRC Counsel for pre-review. (Coordinator)
5. Respond to RRC Counsel questions and suggestions (SME and Coordinator)

June 1, 2027-November 30, 2027

6. Provide SMEs training on fiscal notes on rules as amended after prereview (Coordinator in consultation with OSBM)
7. Draft fiscal note in consultation with DHB finance team. (G.S. 15B-21.4). If rule has a substantial economic impact (G.S. 150B-21.4(b1))^[1], write up at least two alternatives to the proposed rule that were considered and why they were rejected. (SME)

December 1, 2027- January 31, 2028

8. Submit fiscal note for OSBM approval (G.S. 15B-21.4). (Coordinator)

February 1, 2028-April 30, 2028

9. Rectify issues with fiscal note that prevent OSMB from approving (SME)

May 1, 2028-August 31, 2028

10. Publish notice of proposed rule and fiscal note for comment ((G.S. 15B-21.2(f)) and time, date, place of public hearing (G.S. 15B-21.2(e)). Must also post on agency website and notify interested persons. (Coordinator)
11. Accept public comment for 60 days and fully consider all oral and written comments (G.S. 150B-21.1(f)). (Coordinator)
12. Public hearing on rule and fiscal note 15-60 days after rule is published. (Coordinator and SME)
13. Make revisions to rule based on public comment. If the comment is not accepted, develop explanation of why it was not accepted. (SME)
14. Determine if rule revisions differ substantially from text of proposed rule ((G.S. 150B-21.1(g)). If it is substantially different, republish and accept comments for 60 days (Coordinator).

September 1, 2028- October1, 2028

15. Have Department adopt the rule within 12 months of close of comment period (G.S. 150B-21.1(g)). (Coordinator).

October - November 2028

16. Submit to Rules Review Commission within 30 days of Departmental adoption (G.S. 150B-21.1(g)). (Coordinator)

Once the rules are adopted and sent to Rules Review Commission, a hearing to secure approval will be held the following month. SMEs will be called upon to attend the hearing and provide support.

Shazia A. Keller, JD

Pronouns: she/her/hers

Assistant General Counsel

Division of Health Benefits

NC Department of Health and Human Services

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	NCMEDICAID FOR MORE PEOPLE Health coverage for more North Carolinians. Medicaid.nc.gov
	NCMEDICAID PARA MÁS PERSONAS Cobertura médica para más habitantes de Carolina del Norte. MasMedicaid.nc.gov

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, November 12, 2025 11:26 AM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Thank you for the update. I look forward to your email later today.

Thanks,

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

From: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Sent: Friday, November 7, 2025 4:47 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Hi Mr. Wiggs:

Just checking in to say that I have a proposed timeline out for comment with our subject matter experts. I am still waiting to hear from one unit that has been on business travel and PTO and won't have an answer as to how much extra time they think they will need until 11/11/2025. Will submit a the final proposed timeline and request for additional time on 11/12/2025.

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Assistant General Counsel
Division of Health Benefits
NC Department of Health and Human Services
Mobile: 919-218-1372
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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, September 11, 2025 11:12 AM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Good morning,

The attached periodic review report has been finalized. The next step is to set a deadline for the readoption of the “Necessary” 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.

The deadline for your agency to provide this information is **November 12, 2025**. As a starting point, I would recommend a readoption deadline of **July 1, 2028**, but I am open to considering a different recommendation based on the needs of your agency.

Please reply to confirm receipt of this email. Let me know if you have any questions. Thank you.

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

From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Wednesday, September 10, 2025 11:46 AM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review - 10A NCAC 21A, 21B, 22A, 22B, 22E, 22F, 22G, 22H, 22I, 22J, 22L, 22N, 22Q, 22R

Good afternoon,

The determinations in the attached periodic review reports for 10A NCAC 21A, 21B, 22A, 22B, 22F, 22G, 22I, 22J, 22N, 22Q, 22R were effective August 27, 2025. Commission Counsel Travis Wiggs will reach out to you to discuss setting the readoption date for the rules in the report designated necessary.

The rules designated, as unnecessary expired effective September 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



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^[1] Section 2 of S.L. 2025-82 amends G.S. 15B-21.4(b1) to modify “substantial economic impact” to mean an aggregate financial impact on all persons affected of at least \$1M in a five-year period (used to be in a 12 month period).