

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, August 24, 2026 9:59 AM
To: Keller, Shazia A
Cc: Burgos, Alexander N
Subject: Re: Periodic Review - 10A NCAC 23A,23B,23C,23E,23G,23H,25H,25K,25P

Thank you, Ms. Keller.

I will recommend that the RRC approve our agreed upon readoption deadline of **August 1, 2031**, at the RRC meeting on Tuesday, September 29, 2026.

Please let me know if you have any questions.

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, August 21, 2026 2:54 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 23A,23B,23C,23E,23G,23H,25H,25K,25P

Good Afternoon Mr. Wiggs:

DHB recognizes that the **March 1, 2029, or June 1, 2030**, readoption deadlines were thoughtfully proposed. However, we would like to request a readoption deadline of **August 1, 2031**.

The request for a longer timeline is driven, in part, by the fact that the agency will need to hire a new rulemaking coordinator in the coming weeks.

The agency's proposed timeline, below, was crafted after evaluating the scope of the rules and aligning with the ever-evolving federal framework pertaining to all DHB rules alongside the overall work of the agency and our resources. Readoption of Chapters 23 and 25 NCAC rules is a priority project across many teams. However, there are a limited number of staff with the depth of experience, training, and expertise to assist in the readoption work. New staff will have to assist. They will need training and time to complete this new and novel work. In addition to rulemaking priority, the same staff is also heavily involved in other deeply analytical, time consuming, and time sensitive work. A few examples include:

- responding to new, additional State and federal audits;
- ongoing implementation of significant changes around Medicaid financing, services, and community engagement requirements for eligibility required under [H.R. 1](#);
- day to day program operations including oversight of numerous managed care plans and running the fee-for-service health care delivery system;

- updating managed care contractual requirements and re-procuring Standard Plan and Behavioral Health/Intellectual Developmental Disability Tailored Plans;.
- Designing, procuring and launching a managed care plan for senior citizens.

The requested additional time would be helpful in managing the various priorities.

Rulemaking Steps; Proposed Roles and Timelines

January 1, 2029 - November 30, 2029

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)

December 1, 2029 – March 31, 2030

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

April 1, 2030-August 31, 2030

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)

September 1, 2030- October 31, 2030

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

November 1, 2030-January 31, 2031

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

February 1, 2031-April 30, 2031

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).

May 1, 2031- August 1, 2031

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

August – September 2031

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

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, August 21, 2026 1:24 PM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: Re: Periodic Review - 10A NCAC 23A,23B,23C,23E,23G,23H,25H,25K,25P

Good afternoon,

I'm resending per your request.

Thanks,

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

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, August 20, 2026 11:03 AM
To: Julie B. Eddins <julie.eddins@oah.nc.gov>; Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Subject: Re: Periodic Review - 10A NCAC 23A,23B,23C,23E,23G,23H,25H,25K,25P

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 **October 20, 2026**. As a starting point, I’m proposing a few readoption deadlines options for your consideration: **March 1, 2029 or June 1, 2030**. I am open to considering a different readoption deadline based on the needs of your agency.

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

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: Thursday, August 20, 2026 7:23 AM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review - 10A NCAC 23A,23B,23C,23E,23G,23H,25H,25K,25P

Good morning,

The determinations in the attached periodic review reports for 10A NCAC 23A,23B,23C,23E,23G,23H,25H,25K,25P were effective July 29, 2026. 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 August 1, 2026.

Please Note: pursuant to 26 NCAC 05 .0212 your agency’s 60-day timeline does not begin until you receive communication from a staff attorney.

Let me know if you have any questions.

Julie

Julie B. Eddins
Publications Coordinator
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¹¹ 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).