

Burgos, Alexander N

From: Baker, Denise
Sent: Monday, January 26, 2026 10:47 AM
To: Ascher, Seth M
Cc: Burgos, Alexander N
Subject: RE: Periodic Review 10 NCAC 26, 27, 28

Sounds good Seth. Thank you.

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: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, January 16, 2026 1:17 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,

Looking at the minutes (<https://www.oah.nc.gov/minutes-october-2025-signedpdf-0/open>), I think we may have inadvertently left out the 10A NCAC 26C rules, that were reflected on the staff opinion but not the agenda.

I believe the 10A NCAC 27 and 28 rules on the staff opinion are reflected in the readoption deadlines here (<https://www.oah.nc.gov/rule-readoption-schedule>). If think we've missed something there let me know.

I think the cleanest way to handle this will be to just get the Commission to approve the readoption deadline for 10A NCAC 26C again at the January meeting. Assuming it still works for you, I'll recommend the same date: November 1, 2027.

Thanks for catching this.

Seth Ascher
Counsel to the North Carolina Rules Review Commission

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From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Monday, January 12, 2026 11:23 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: Periodic Review 10 NCAC 26, 27, 28

Hi Seth –

Happy New Year.

Were the attached readoption dates finalized during the October RRC meeting? I don't see them on the agenda or posted on the OAH website.

Initially, there was some overlap in the readoption dates for rules that Travis was reviewing but we changed those readoption dates to January 1, 2031; I think those were finalized during the October meeting.

Thank you,
Denise

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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

(984) 236-1934

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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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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

julie.eddins@oah.nc.gov



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