

Burgos, Alexander N

From: Baker, Denise
Sent: Monday, November 3, 2025 10:44 AM
To: Wiggs, Travis C
Cc: Burgos, Alexander N
Subject: RE: 10A NCAC 27E, 27F, 27H, 27I-Readoption Deadline

It was on the report you attached to your letter --

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: Baker, Denise
Sent: Monday, November 3, 2025 10:41 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 10A NCAC 27E, 27F, 27H, 27I-Readoption Deadline

It wasn't mentioned in your original email to me either. As I was updating my calendar with the agreed upon dates, I realized its APO review date was the same as the others; that's why I asked about it.

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, November 3, 2025 10:37 AM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 10A NCAC 27E, 27F, 27H, 27I-Readoption Deadline

Good morning,

Below is our email exchange on October 27. I confirmed the subchapters you wanted to have a readoption date of January 1, 2031. Subchapter 28A was not mentioned. What are you requesting for Subchapter 28A?

Thanks,

It is; thank you so much.

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

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

From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Monday, November 3, 2025 9:15 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 10A NCAC 27E, 27F, 27H, 27I-Readoption Deadline

They're on the report but not mentioned in the letter.

W. Denise Baker, M.A., L.P.A., J.D.
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From: Baker, Denise
Sent: Monday, November 3, 2025 9:14 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 10A NCAC 27E, 27F, 27H, 27I-Readoption Deadline

Thanks Travis --- did you have the rules in the determination report for 10A NCAC Subchapter 28A? Their APO review date was also May 28, 2025?

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, October 30, 2025 3:13 PM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 10A NCAC 27E, 27F, 27H, 27I-Readoption Deadline

Good afternoon,

The Rules Review Commission today approved the agreed readoption deadline of January 1, 2031.

Please see the attached documents and let me know if you have any questions.

Thank you.

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

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Burgos, Alexander N

Subject: FW: Periodic Review 10A NCAC 27, 28

From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Monday, October 20, 2025 7:16 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 10A NCAC 27, 28

Thank you so much. I have a question. Would setting the readoption date for these rules as January 1, 2029 potentially impact the next scheduled review of these rules? If so, would you agree to a readoption date of January 1, 2030 instead?

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, October 17, 2025 5:07 PM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 10A NCAC 27, 28

Ms. Baker,

Thank you for the detailed information. The final determination report that was approved by the RRC and the APO at the General Assembly combined 10A NCAC 27 and 28 for a total of 85 rules. I'm not able to set multiple readoption deadlines for different rules within the same approved report. That would create confusion and would alter what was already voted on and approved by the RRC.

Would you like to agree to a readoption deadline of January 1, 2029 for these 85 rules? Most of the rules in this report are from Subchapter 27.

Please let me know as soon as possible. Thank you.

Travis C. Wiggs

From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Friday, October 17, 2025 3:28 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 27, 28

Hi Travis

Readoption Dates:

1. I respectfully request that the readoption date for the rules in 10A NCAC Subchapter 28A be set as January 1, 2030 consistent with the date requested for the remaining rules in Subchapter 28 (see below). 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.
2. I respectfully request that the readoption date for the rules in 10A NCAC Subchapters 27E, 27F, 27H, and 27I be set at December 30, 2030; the Commission is already tasked with readopting the rules in 10A NCAC Subchapter 27G by January 1, 2029 and requested a readoption date for the rules in as listed below related to Chapter 28. The requested timeline will minimize overlapping readoption dates which potential impacts compliance with the dates provided.

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; allowing these aforementioned rules to be adopted within a similar timeframe
4. The Commission has requested the readoption dates as follows.
 1. 10A NCAC Subchapter 26C, including .0101-.0105, .0402, and .0501-.0504 be set as November 1, 2027.
 2. 10A NCAC Subchapters 27C, 28B, 28C, 28D, and 28E be set as January 1, 2030.

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
Division of MH/DD/SAS

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Burgos, Alexander N

Subject: FW: Periodic Review 10A NCAC 27, 28
Attachments: 24 NCAC 02 readoption schedule_Aug 2025.pdf

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, October 10, 2025 3:31 PM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 10A NCAC 27, 28

Good afternoon,

Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC. The Rule essentially requires every agency to submit a general timeline of when your agency intends to complete each step in the permanent rulemaking process. Most agencies have done the consultation via email but I'm happy to have a call to discuss further.

There are several factors your agency should consider when setting the readoption deadline. Please be mindful of 26 NCAC 05.0212(c)(2) that requires agencies to file rules with the RRC within 30 days of adoption. Remember to consider whether your agency will need to prepare any fiscal notes as required by G.S. 150B-21.4. Also, please account for whether your agency will want to amend any rules after the public comment period and rulemaking hearing that may constitute a substantial change under 150B-21.2(g).

Please see an attached example timeline and submit the required information to me today by 5pm (as requested in the email sent on 8/11/25). 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

From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Friday, October 10, 2025 3:18 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 27, 28

Travis –

We have no objections to the readoption date you proposed given the subject matter of the rules and discussions regarding the same that are already underway.

Thank you,
Denise

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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Burgos, Alexander N

Subject: FW: Periodic Review 10A NCAC 27, 28

From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Friday, August 15, 2025 8:24 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 10A NCAC 27, 28

Thanks Travis.

W. Denise Baker, M.A., L.P.A., J.D.
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Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, August 11, 2025 2:35 PM
To: Baker, Denise
Cc: Burgos, Alexander N
Subject: RE: Periodic Review 10A NCAC 27, 28
Attachments: 10A NCAC 27, 28 - Necessary.pdf

Good afternoon,

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 10, 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.

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: Friday, August 8, 2025 10:39 AM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review 10A NCAC 27, 28

Good afternoon,

The determinations in the attached periodic review report for 10A NCAC 27, 28 were effective May 28, 2025. Commission Counsel Travis Wiggs 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*](mailto:julie.eddins@oah.nc.gov)



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RRC Determination
Periodic Rule Review
March 27, 2025
APO Review: May 28, 2025
Mental Health/DD/SAS, Commission for
Total: 85

RRC Determination: Necessary

10A	NCAC 27E	.0101	10A	NCAC 27H	.0308	10A	NCAC 28A	.0206
10A	NCAC 27E	.0102	10A	NCAC 27H	.0309	10A	NCAC 28A	.0207
10A	NCAC 27E	.0103	10A	NCAC 27H	.0401	10A	NCAC 28A	.0208
10A	NCAC 27E	.0104	10A	NCAC 27H	.0402	10A	NCAC 28A	.0209
10A	NCAC 27E	.0105	10A	NCAC 27H	.0403	10A	NCAC 28A	.0210
10A	NCAC 27E	.0106	10A	NCAC 27H	.0404	10A	NCAC 28A	.0211
10A	NCAC 27E	.0107	10A	NCAC 27H	.0405	10A	NCAC 28A	.0212
10A	NCAC 27E	.0108	10A	NCAC 27H	.0406	10A	NCAC 28A	.0301
10A	NCAC 27E	.0201	10A	NCAC 27H	.0407	10A	NCAC 28A	.0302
10A	NCAC 27F	.0101	10A	NCAC 27H	.0601	10A	NCAC 28A	.0303
10A	NCAC 27F	.0102	10A	NCAC 27H	.0602	10A	NCAC 28A	.0304
10A	NCAC 27F	.0103	10A	NCAC 27H	.0603	10A	NCAC 28A	.0305
10A	NCAC 27F	.0104	10A	NCAC 27H	.0604	10A	NCAC 28A	.0306
10A	NCAC 27F	.0105	10A	NCAC 27H	.0605			
10A	NCAC 27H	.0101	10A	NCAC 27H	.0606			
10A	NCAC 27H	.0102	10A	NCAC 27H	.0607			
10A	NCAC 27H	.0103	10A	NCAC 27I	.0401			
10A	NCAC 27H	.0104	10A	NCAC 27I	.0402			
10A	NCAC 27H	.0105	10A	NCAC 27I	.0403			
10A	NCAC 27H	.0106	10A	NCAC 27I	.0404			
10A	NCAC 27H	.0107	10A	NCAC 27I	.0601			
10A	NCAC 27H	.0108	10A	NCAC 27I	.0602			
10A	NCAC 27H	.0201	10A	NCAC 27I	.0603			
10A	NCAC 27H	.0202	10A	NCAC 27I	.0604			
10A	NCAC 27H	.0203	10A	NCAC 27I	.0605			
10A	NCAC 27H	.0204	10A	NCAC 27I	.0606			
10A	NCAC 27H	.0205	10A	NCAC 27I	.0607			
10A	NCAC 27H	.0206	10A	NCAC 27I	.0608			
10A	NCAC 27H	.0207	10A	NCAC 27I	.0609			
10A	NCAC 27H	.0301	10A	NCAC 28A	.0101			
10A	NCAC 27H	.0302	10A	NCAC 28A	.0102			
10A	NCAC 27H	.0303	10A	NCAC 28A	.0201			
10A	NCAC 27H	.0304	10A	NCAC 28A	.0202			
10A	NCAC 27H	.0305	10A	NCAC 28A	.0203			
10A	NCAC 27H	.0306	10A	NCAC 28A	.0204			
10A	NCAC 27H	.0307	10A	NCAC 28A	.0205			