Burgos, Alexander N

Subject: FW: Periodic Review - 10A NCAC 46
Attachments: 10A NCAC 46-Neccessary Rules-Deadline Letter.pdf

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, July 6, 2026 2:03 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: Periodic Review - 10A NCAC 46

Good afternoon,

Thank you for the email. Please see attached.

Thanks,

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

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

July 6, 2026

Virginia Niehaus
Sent via email to: virginia.niehaus@dhhs.nc.gov
Re: Readoption deadline for 10A NCAC 46

Dear Ms. Niehaus:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 25, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

RRC Determination
Periodic Rule Review
November 20,2025
APO Review: January 21, 2026
Public Health, Commission for
Total: 16

RRC Determination:

10A	NCAC	46	.0201	Necessary
10A	NCAC	46	.0203	Necessary
10A	NCAC	46	.0204	Necessary
10A	NCAC	46	.0205	Necessary
10A	NCAC	46	.0206	Necessary
10A	NCAC	46	.0207	Necessary
10A	NCAC	46	.0208	Necessary
10A	NCAC	46	.0209	Necessary
10A	NCAC	46	.0210	Necessary
10A	NCAC	46	.0211	Necessary
10A	NCAC	46	.0213	Necessary
10A	NCAC	46	.0214	Necessary
10A	NCAC	46	.0215	Necessary
10A	NCAC	46	.0216	Necessary
10A	NCAC	46	.0301	Necessary
10A	NCAC	46	.0302	Necessary

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Thursday, July 2, 2026 6:34 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 46

Hi Travis,

Will you please update these documents to remove references to 10A NCAC 48A and 48B? These rules have been repealed.

Thank you,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
NC Department of Health and Human Services
Pronouns: she/her/hers

Executive Assistant: Christina Young

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STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

July 6, 2026

Virginia Niehaus
Sent via email to: virginia.niehaus@dhhs.nc.gov
Re: Readoption deadline for 10A NCAC 46

Dear Ms. Niehaus:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 25, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

RRC Determination
Periodic Rule Review
November 20,2025
APO Review: January 21, 2026
Public Health, Commission for
Total: 16

RRC Determination:

10A	NCAC	46	.0201	Necessary
10A	NCAC	46	.0203	Necessary
10A	NCAC	46	.0204	Necessary
10A	NCAC	46	.0205	Necessary
10A	NCAC	46	.0206	Necessary
10A	NCAC	46	.0207	Necessary
10A	NCAC	46	.0208	Necessary
10A	NCAC	46	.0209	Necessary
10A	NCAC	46	.0210	Necessary
10A	NCAC	46	.0211	Necessary
10A	NCAC	46	.0213	Necessary
10A	NCAC	46	.0214	Necessary
10A	NCAC	46	.0215	Necessary
10A	NCAC	46	.0216	Necessary
10A	NCAC	46	.0301	Necessary
10A	NCAC	46	.0302	Necessary

Burgos, Alexander N

From: Niehaus, Virginia
Sent: Thursday, June 4, 2026 11:53 AM
To: Wiggs, Travis C; Julie B. Eddins
Cc: Collins, Devon; Young, Christina D; Burgos, Alexander N
Subject: RE: Periodic Review - 10A NCAC 46

Thank you, Travis!

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
NC Department of Health and Human Services
Pronouns: she/her/hers

Executive Assistant: Christina Young

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, June 4, 2026 11:43 AM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: Periodic Review - 10A NCAC 46

Thank you for bringing this to my attention. I have corrected the error on our spreadsheet. I will recommend that the RRC approve our agreed upon readoption deadline of **March 1, 2029** at the RRC meeting on June 25, 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: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Thursday, June 4, 2026 11:30 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 46

Hi Travis,

Thanks for your response. We are surprised to hear that March 1, 2029 has 238 rules scheduled. We checked the readoption schedule posted on the OAH website (https://www.oah.nc.gov/rule-readoption-schedule) to do our best to identify an earlier month that did not have rules scheduled. Currently this reflects no rules scheduled for this date. Is there a better way for agencies to track this information?

If we are proceeding with a 2030 date, would it be possible to request June 1, 2030 to better align with the Commission for Public Health's quarterly meeting schedule?

Thank you,

Virginia

Virginia R. Niehaus, JD, MPH

Director of Regulatory and Legal Affairs

Division of Public Health

NC Department of Health and Human Services

Pronouns: she/her/hers

Executive Assistant: Christina Young

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, June 4, 2026 10:49 AM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: Periodic Review - 10A NCAC 46

Good morning, Virginia,

March 1, 2029 already has 238 rules schedule for readoption. I will recommend that the RRC approve our agreed upon readoption deadline of **May 1, 2030** at the RRC meeting on June 25, 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: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Thursday, June 4, 2026 10:26 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 46, 48A, 48B

Hi Travis,

The rules in 10A NCAC 48A and 48B were repealed effective June 1, 2026, so a readoption deadline is not needed. Given the reduced number of rules, we propose an earlier deadline of March 1, 2029 for 10A NCAC 46.

Pursuant to Rule 26 NCAC 05 .0212, below would be the planned timeline for this readoption deadline:

June 2026 – April 2028

- Engage staff in the readoption process
- Identify which rules will require substantive changes and which could be readopted without substantive changes
- Draft updated rule language
- Consult with the Office of State Budget and Management regarding development and approval of fiscal note(s) (if needed)

May 2028 – March 1, 2029

- Agency approval to commence rulemaking; agency approval of fiscal note(s) (if applicable)
- Submit to OAH for publication
- Provide notice to the public and interested persons
- Accept public comments (including holding a public hearing, if necessary)
- Fully consider all public comments received
- Adoption by agency
- Allow time for republication (if needed)

Submit to RRC within 30 days of adoption

However, we would also be okay proceeding with your proposed readoption deadline of June 1, 2030 for 10A NCAC 46. We prefer June over May, as this aligns with the Commission for Public Health's quarterly meeting schedule.

The planned timeline for this readoption deadline would be as follows:

June 2026 – July 2029

- Engage staff in the readoption process
- Identify which rules will require substantive changes and which could be readopted without substantive changes
- Draft updated rule language
- Consult with the Office of State Budget and Management regarding development and approval of fiscal note(s) (if needed)

August 2029 – June 1, 2030

- Agency approval to commence rulemaking; agency approval of fiscal note(s) (if applicable)
- Submit to OAH for publication
- Provide notice to the public and interested persons
- Accept public comments (including holding a public hearing, if necessary)
- Fully consider all public comments received
- Adoption by agency
- Allow time for republication (if needed)

Submit to RRC within 30 days of adoption

There are no rulemaking priorities that we have determined to be relevant to the timeline of readoption.

Please let me know if you have any questions.

Regards,

Virginia

Virginia R. Niehaus, JD, MPH

Director of Regulatory and Legal Affairs

Division of Public Health

NC Department of Health and Human Services

Pronouns: she/her/hers

Executive Assistant: Christina Young

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From: Niehaus, Virginia
Sent: Monday, April 6, 2026 10:01 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 46, 48A, 48B

Hi Travis,

I am confirming receipt of the email below. I do not think we will need to set a readoption deadline for 10A NCAC 48A and 48B. These rules will be repealed effective June 1, 2026. New rules in 10A NCAC 48C and 48D go into effect on that date. We will provide information on 10A NCAC 46 by the June 4, 2026 deadline.

Regards,

Virginia

Virginia R. Niehaus, JD, MPH

Director of Regulatory and Legal Affairs

Division of Public Health

NC Department of Health and Human Services

Pronouns: she/her/hers

Executive Assistant: Christina Young

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, April 2, 2026 5:27 PM
To: Julie B. Eddins <julie.eddins@oah.nc.gov>; Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Subject: RE: Periodic Review - 10A NCAC 46, 48A, 48B

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 **June 4, 2026**. As a starting point, I'm proposing a few readoption deadlines options for your consideration: **May 1, 2030 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.

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: Monday, March 30, 2026 9:42 AM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review - 10A NCAC 46, 48A, 48B

Good Morning,

The determinations in the attached periodic review report for 10A NCAC 46, 48A, 48B were effective January 21, 2026. Commission Counsel Travis Wiggs will reach out to you to discuss setting the readoption date.

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 B. Eddins

Publications Coordinator

NC Office of Administrative Hearings

Phone 984-236-1937 (direct)

julie.eddins@oah.nc.gov



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