

## Burgos, Alexander N

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**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](mailto:travis.wiggs@oah.nc.gov)

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**From:** Niehaus, Virginia <[virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov)>

**Sent:** Thursday, June 4, 2026 11:30 AM

**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>

**Cc:** Collins, Devon <[devon.collins@dhhs.nc.gov](mailto:devon.collins@dhhs.nc.gov)>; Young, Christina D <[christina.young@dhhs.nc.gov](mailto:christina.young@dhhs.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto: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](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, June 4, 2026 10:49 AM  
**To:** Niehaus, Virginia <[virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>  
**Cc:** Collins, Devon <[devon.collins@dhhs.nc.gov](mailto:devon.collins@dhhs.nc.gov)>; Young, Christina D <[christina.young@dhhs.nc.gov](mailto:christina.young@dhhs.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto: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](mailto:travis.wiggs@oah.nc.gov)

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**From:** Niehaus, Virginia <[virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov)>  
**Sent:** Thursday, June 4, 2026 10:26 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>  
**Cc:** Collins, Devon <[devon.collins@dhhs.nc.gov](mailto:devon.collins@dhhs.nc.gov)>; Young, Christina D <[christina.young@dhhs.nc.gov](mailto: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](mailto:travis.wiggs@oah.nc.gov)>; Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>

**Cc:** Collins, Devon <[devon.collins@dhhs.nc.gov](mailto:devon.collins@dhhs.nc.gov)>; Young, Christina D <[christina.young@dhhs.nc.gov](mailto: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](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, April 2, 2026 5:27 PM  
**To:** Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>; Niehaus, Virginia <[virginia.niehaus@dhhs.nc.gov](mailto: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](mailto:travis.wiggs@oah.nc.gov)

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**From:** Julie B. Eddins <[julie.eddins@oah.nc.gov](mailto:julie.eddins@oah.nc.gov)>  
**Sent:** Monday, March 30, 2026 9:42 AM  
**To:** Niehaus, Virginia <[virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov)>  
**Cc:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto: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](mailto:julie.eddins@oah.nc.gov)***



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