North Carolina State Board of Examiners For Nursing Home Administrators

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North Carolina Rules Review Commission
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, North Carolina 27609
Via Email to rrc.comments@oah.nc.gov

Re: Request from North Carolina State Board of Examiners for Nursing Home Administrators for an extension of time to readopt rules pursuant to N.C. Gen. Stat. § 150B-21.3A and 26 NCAC 05 .0204

Dear Chair Parker and Commission Members:

On behalf of the North Carolina State Board of Examiners for Nursing Home Administrators ("NHA Board" or "Board"), please accept this letter requesting an extension of the deadline for the readoption of rules pursuant to N.C. Gen. Stat. § 150B-21.3A and 26 NCAC 05 .0204.

The Commission established the readoption deadline at its December 19, 2024, meeting, and determined that the NHA Board must readopt its existing as necessary rules by June 1, 2027. Although the time for technical compliance with the current deadline has not passed, for the reasons stated herein, the NHA Board respectfully submits that it needs additional time to complete the readoption process in a manner that best serves the public interest and is requesting a one-year extension to June 1, 2028, for good cause.

N.C. Gen. Stat. § 150B-21.3A(d)(2) contemplates that there is discretion in setting the deadline for readoption and that the agency's rulemaking priorities are to be taken into consideration. Although directed at requests for extension of time to complete the periodic review, Rule .0204 of the Commission's rules provides several factors for consideration in evaluating whether to grant an extension of time that we believe are relevant here. The pertinent factors are the (1) efforts of the agency to comply with the review, and (2) the changes of composition of the agency or its staff that resulted in a delay.

Since the readoption deadline was set, the NHA Board has undertaken a substantive review of its 62 existing rules for readoption to discuss potential amendments. The Board has been actively working on the readoption process. However, on August 18, 2026, the Board engaged new counsel and on October 13, 2026, designated its new counsel as a rulemaking coordinator for the Board.

The change in counsel and rulemaking coordinator has impacted the readoption process and the Board's understanding of what needs to be involved in that process. The Board did not have an appreciation for the extent of time and effort that would be involved in the readoption process until it made this recent change. The NHA Board acted promptly at its next meeting to make the designation and authorize requesting an extension.

Upon being designated rulemaking coordinator, the new counsel inquired into the status of the readoption of the existing necessary rules. Based on rulemaking experience for other Boards, the new counsel determined that extensive amendments may be needed to the NHA Board's rules slated for readoption. In particular, we have come to understand that there may be significant work required in terms of ensuring that all information required by the Board's applications or forms are included in the readopted rules, and to ensure that the rules are compliant in all aspects required by law. In light of these considerations, the Board is requesting additional time to provide the most cogent set of rules possible, with adequate consideration for public comment. The Board believes that this can be accomplished with just a year's extension of time and is unaware of any opposition to the extension.

Ultimately, the extension of time to engage in meaningful, substantive review of the Board's necessary rules is for the benefit of the public and is grounded in the change of personnel and new considerations that came to light with that change. We believe that the change in counsel and rulemaking coordinator is good cause for granting the extension, consistent with N.C. Gen. State § 150B-21.3A(d)(2) and 26 NCAC 05 .0204.

Additionally, concurrent with this request and pursuant to the requirements set forth in 26 NCAC 05 .0204, the Board is posting notice of this request on its website that the RRC will review the request at its next regularly scheduled meeting. The notice also informs the public that individuals may contact the Commission to object to the delay. The Board has no individuals who requested to be notified of changes to its rules.

The NHA Board is grateful for the Commission's consideration of this request for an extension of time. The NHA Board's new counsel and rulemaking coordinator will attend the meeting and can address any questions the Commission may have regarding this request and the reasons behind it.

Sincerely,

Martha N. Bell

Martha N. Bell
Executive Director