Burgos, Alexander N

Subject: FW: [External] RE: Periodic Review - 21 NCAC 38

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, October 23, 2026 1:25 PM
To: administrator ncbot <administrator@ncbot.org>
Cc: cwilkins@bws-law.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: Re: [External] RE: Periodic Review - 21 NCAC 38

Good afternoon,

As a reminder, 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).

I will recommend that the RRC approve our agreed upon readoption deadline of **September 1, 2030,** at the RRC meeting on Thursday, October 29, 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

Burgos, Alexander N

Subject: FW: [External] RE: Periodic Review - 21 NCAC 38
Attachments: image001.png; 2030 Timeline for Review.docx

From: Administrator <administrator@ncbot.org>
Sent: Thursday, October 22, 2026 4:18 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: cwilkins@bws-law.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: FW: [External] RE: Periodic Review - 21 NCAC 38

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Mr. Wiggs,

I just received your email. Below is Mr. Wilkins' email to you on Monday, October 19 with the attached timeline. Please let me know you received it e in case you didn't get it earlier in the week. If you have any questions, feel free to contact me.

Thank you,

Elizabeth Kirk
Administrative Director
NC Board of Occupational Therapy
www.ncbot.org

From: Charles Wilkins <cwilkins@bws-law.com>
Sent: Monday, October 19, 2026 10:30 AM
To: travis.wiggs@aoh.nc.gov
Cc: Administrator <administrator@ncbot.org>
Subject: Re: [External] RE: Periodic Review - 21 NCAC 38

Travis,

Good morning,

Attached is the readoption deadline/timeline approved by the Board. If you would like to discuss or have any questions, feel free to contact me.

Thank you,

Charles Wilkins, Legal Counsel

NC Board of Occupational Therapy

Timeline for Permanent Rulemaking/Periodic Review of Rules:

- Initial Determination — January 2030
- File report by — Jan/Feb 2030
- Post on Board's website — February 2030
- Beginning of comment period — February 2030
- End of comment period — April 2030
- Public Hearing — March 2030
- Final determination by Board — May 2030
- Submit to RRC for review at meeting — July 2030
- RRC meeting date — August 2030
- Effective date — September 1, 2030

*RRC will establish a deadline for readoption – 26 NCAC 05 .0212 – September 2030

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, September 16, 2026 12:24 PM
To: cwilkins@bws-law.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>; Administrator <administrator@ncbot.org>
Subject: Re: [External] RE: Periodic Review - 21 NCAC 38

Mr. Wilkins,

Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets the readoption deadline after consultation with the agency. My email to you sent on August 20 was 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 readoption timeline should be an itemized breakdown of when your agency intends to complete each step in the readoption process. The memo can be projections of when each step in the process will be taken by your agency. Please be as specific as possible with dates, but I realize circumstances may change and unforeseeable events may arise. Please communicate to me any unexpected changes when they occur.

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 s substantial change under 150B-21.2(g).

As mentioned in my August 20 email, please send the required information to me no later than **October 20, 2026**. 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: Charles Wilkins <cwilkins@bws-law.com>
Sent: Wednesday, September 16, 2026 11:56 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>; administrator ncbot <administrator@ncbot.org>
Subject: [External] RE: Periodic Review - 21 NCAC 38

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Travis,

The NC Board of Occupational Therapy at its meeting on September 14, 2026, chose its rules readoption deadline of September 1, 2030.

Elizabeth Kirk, Administrative Director of the Board, and I Look forward to working with you.

Charles

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, August 20, 2026 11:08 AM
To: Charles Wilkins <cwilkins@bws-law.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: Re: Periodic Review - 21 NCAC 38

Good morning,

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 20, 2026**. As a starting point, I'm proposing a few readoption deadlines options for your consideration: **September 1, 2030 or January 1, 2031**. 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.

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: Thursday, August 20, 2026 7:23 AM
To: cwilkins@bws-law.com <cwilkins@bws-law.com>

Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review - 21 NCAC 38

Good morning,

The determinations in the attached periodic review report for 21 NCAC 38 were effective July 29, 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

Julie B. Eddins

Publications Coordinator

NC Office of Administrative Hearings

Phone 984-236-1937 (direct)

julie.eddins@oah.nc.gov

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