

Burgos, Alexander N

Subject: FW: [External] Rules review: Optometry Board

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, October 20, 2025 2:23 PM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: [External] Rules review: Optometry Board

FYI

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

From: Johnny Loper <jloper@loper-law.com>
Sent: Thursday, October 2, 2025 2:46 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Samantha Goode
(samantha@ncoptometry.org) <samantha@ncoptometry.org>
Subject: RE: [External] Rules review: Optometry Board

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Understood, and thanks.

Johnny

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, October 2, 2025 2:35 PM
To: Johnny Loper <jloper@loper-law.com>
Cc: exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Samantha Goode
(samantha@ncoptometry.org) <samantha@ncoptometry.org>
Subject: RE: [External] Rules review: Optometry Board

Good afternoon,

I'm satisfied with the proposed readoption timeline submitted by your agency. The RRC will plan to vote on the agreed readoption deadline of **May 1, 2028** at its meeting on October 30, 2025 at 10am.

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: Johnny Loper <jloper@loper-law.com>
Sent: Thursday, October 2, 2025 11:58 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: exdir@ncoptometry.org; Janice Peterson <janice@ncoptometry.org>; Samantha Goode (samantha@ncoptometry.org) <samantha@ncoptometry.org>
Subject: [External] Rules review: Optometry Board

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Mr. Wiggs:

In response to your email of August 11 and pursuant to 26 NCAC 05.0212, the North Carolina State Board of Examiners in Optometry agrees to the readoption deadline of May 1, 2028 for all rules in 21 NCAC 42. The dates below refer to deadlines for completion of the specific tasks identified, and not specific dates, since the Board's meeting schedule for 2027-2028 has not yet been established.

- | | |
|---|---|
| • Fiscal Note (if required): | Prior to February 2027 Board meeting |
| • Presentation of rules at Board meeting: | February 2027 |
| • Publication of Notice of Text: | April 2027 |
| • Public hearing:
text is published, if requested. | At least 15 but no later than 60 days after notice of |
| • Public comment period: | July - August 2027 |
| • Board meeting for final adoption: | November 2027 |
| • Rules filed with RRC: | December 2027 |

We may seek to amend two rules that could require fiscal notes, but neither should require approval by the General Assembly.

In terms of rulemaking priorities, the Board plans to publish first those rules which it will not seek to amend. It will follow with publication of those rules we are seeking to amend. Obviously, we plan to publish all rules within the deadline noted above.

If the foregoing is not clear or sufficient in any respect or if you have questions or concerns, please let us know. Thank you for your continued cooperation and assistance.

For the Board,

Johnny M. Loper
Loper Law, PLLC
1212 Briar Patch Lane
Raleigh, NC 27615

919-390-7749 (DD)
919-390-3342 (F)
jloper@loper-law.com

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Burgos, Alexander N

Subject: FW: [External] RE: Periodic Review 21 NCAC 42

From: Janice Peterson <janice@ncoptometry.org>

Sent: Tuesday, September 16, 2025 2:17 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnny Loper <jloper@loper-law.com>;
exdir@ncoptometry.org

Subject: Re: [External] RE: Periodic Review 21 NCAC 42

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Again, thank you Mr. Wiggs.

Janice K. Peterson,
Administrative Associate
521 Yopp Rd.
Suite 214 #444
Jacksonville, NC 28540
(910) 285-3160
Fax: (910) 285-4546
janice@ncoptometry.org

Burgos, Alexander N

Subject: FW: [External] RE: Periodic Review 21 NCAC 42
Attachments: 02 NCAC 52K readoption schedule_May 2025.pdf

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, September 16, 2025 2:00 PM
To: Janice Peterson <janice@ncoptometry.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Periodic Review 21 NCAC 42

Good afternoon,

Thank you for the question. Please submit a broader, general timeline of when the Board anticipates each step of the 150B-21.2 requirements will be completed.

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 let me know if you have any further 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



Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Christina L. Waggett
Assistant Commissioner for
Consumer Protection

May 1st, 2025

MEMORANDUM

TO: Mr. Travis Wiggs, Rules Review Commission Counsel

FROM: Anna R. Hayworth, NCDA&CS Rulemaking Coordinator

SUBJECT: Readoption schedule: 02 NCAC 52K

The following is submitted as required to Mr. Travis Wiggs, for rules under the Board of Agriculture, whose periodic review reports were approved by the Rules Review Commission at the January 6th, 2025 meeting.

This timeline is a proposed readoption schedule for the above-mentioned rules. The dates noted on the timeline refer to a deadline, and not a specific date, as the meeting dates for the Board of Agriculture for 2026 and 2027 have not yet been established. The timeline is based on previous meeting dates typical of the Board of Agriculture's schedule, as well as built-in additional meetings should the proposed initial date be otherwise cancelled, etc.

The Board of Agriculture: 02 NCAC 52K

Completed on or before:

Presentation of rules at Board of Agriculture meeting:

November 2026

Publication of Notice of Text:

*November 2026
(immediately following initial
approval by Board)*

Public Hearing:

*At least 15 but no later than 60
days after notice of text is
published, if requested.*

Public Comment Period:

*December/January 2026 – April
2027*

Board of Agricultural meetings for final adoption:

*April 2027 (July 2027, in the
event that the April meeting is
cancelled.*

Submission of rules to OAH for RRC consideration:

April – July 2027

Rules Review Commission review:

No later than August 2027

Earliest Effective Date of Rules:

September 1, 2027

Burgos, Alexander N

Subject: FW: [External] RE: Periodic Review 21 NCAC 42

From: Johnny Loper <jloper@loper-law.com>
Sent: Monday, August 18, 2025 4:43 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Janice Peterson <janice@ncoptometry.org>; exdir@ncoptometry.org
Subject: RE: [External] RE: Periodic Review 21 NCAC 42

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Much appreciated.

Johnny

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, August 18, 2025 4:33 PM
To: Johnny Loper <jloper@loper-law.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Janice Peterson <janice@ncoptometry.org>; exdir@ncoptometry.org
Subject: RE: [External] RE: Periodic Review 21 NCAC 42

All rules your agency deemed “Necessary” on the periodic report will need to be readopted during this process. Feel free to amend any of those rules when going through the steps to readopt them.

Thanks,

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

From: Johnny Loper <jloper@loper-law.com>
Sent: Monday, August 18, 2025 4:27 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Janice Peterson <janice@ncoptometry.org>; exdir@ncoptometry.org
Subject: [External] RE: Periodic Review 21 NCAC 42

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Mr. Wiggs:

My apologies for the delayed response. The Board was giving its clinical examination last week, but I should have noted this and responded anyway.

I'll discuss this with Board Staff and get back to you regarding the two deadlines referred to below soon.

I do have one question I'd appreciate your helping me with. I think we have 74 rules on our report. If we want to amend a couple of those rules, how does that affect the re-adoption process? I.e., do we re-adopt 72 rules and amend 2? I did not handle the readoption process the last time it was done so I'm rusty.

Many thanks.

Johnny

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, August 11, 2025 2:38 PM
To: jloper@loper-law.com
Cc: Burgos, Alexander N
Subject: RE: Periodic Review 21 NCAC 42
Attachments: 21 NCAC 42 - 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 **May 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 10:41 AM
To: jloper@loper-law.com
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review 21 NCAC 42

Good afternoon,

The determinations in the attached periodic review report for 21 NCAC 42 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



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RRC Determination
Periodic Rule Review
March 27, 2025
APO Review: May 28, 2025
Optometry, Board of Examiners in
Total: 74

RRC Determination: Necessary

21	NCAC 42A	.0101	21	NCAC 42K	.0205
21	NCAC 42A	.0102	21	NCAC 42K	.0301
21	NCAC 42A	.0105	21	NCAC 42K	.0401
21	NCAC 42B	.0101	21	NCAC 42K	.0402
21	NCAC 42B	.0103	21	NCAC 42K	.0501
21	NCAC 42B	.0107	21	NCAC 42K	.0502
21	NCAC 42B	.0108	21	NCAC 42K	.0503
21	NCAC 42B	.0110	21	NCAC 42K	.0504
21	NCAC 42B	.0112	21	NCAC 42K	.0601
21	NCAC 42B	.0113	21	NCAC 42K	.0602
21	NCAC 42B	.0114	21	NCAC 42K	.0603
21	NCAC 42B	.0201	21	NCAC 42K	.0701
21	NCAC 42B	.0202	21	NCAC 42K	.0702
21	NCAC 42B	.0203	21	NCAC 42K	.0703
21	NCAC 42B	.0204	21	NCAC 42K	.0704
21	NCAC 42B	.0302	21	NCAC 42L	.0101
21	NCAC 42B	.0303	21	NCAC 42L	.0102
21	NCAC 42B	.0304	21	NCAC 42L	.0103
21	NCAC 42B	.0305	21	NCAC 42L	.0104
21	NCAC 42C	.0102	21	NCAC 42L	.0105
21	NCAC 42C	.0104	21	NCAC 42L	.0106
21	NCAC 42C	.0105	21	NCAC 42L	.0107
21	NCAC 42D	.0102	21	NCAC 42L	.0108
21	NCAC 42E	.0101	21	NCAC 42L	.0109
21	NCAC 42E	.0102	21	NCAC 42L	.0110
21	NCAC 42E	.0103	21	NCAC 42L	.0111
21	NCAC 42E	.0104	21	NCAC 42L	.0112
21	NCAC 42E	.0201	21	NCAC 42L	.0113
21	NCAC 42E	.0203	21	NCAC 42L	.0114
21	NCAC 42E	.0301	21	NCAC 42L	.0115
21	NCAC 42E	.0302	21	NCAC 42L	.0116
21	NCAC 42K	.0101	21	NCAC 42M	.0101
21	NCAC 42K	.0102	21	NCAC 42M	.0102
21	NCAC 42K	.0201	21	NCAC 42M	.0103
21	NCAC 42K	.0202	21	NCAC 42M	.0104
21	NCAC 42K	.0203	21	NCAC 42M	.0105
21	NCAC 42K	.0204	21	NCAC 42M	.0106