

Burgos, Alexander N

Subject: FW: [External] Proposed Readoption Plan for Periodic Review of 21 NCAC 53

From: Doug Bocker <doug@brockerlawfirm.com>
Sent: Thursday, September 11, 2025 12:43 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Proposed Readoption Plan for Periodic Review of 21 NCAC 53

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Yes, please for Melonie and me. I would only plan to speak if the Commission members had questions or concerns.

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, September 11, 2025 12:26 PM
To: Doug Bocker <doug@brockerlawfirm.com>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Proposed Readoption Plan for Periodic Review of 21 NCAC 53

Thanks Doug. That works for me and I will propose the July 2028 deadline at the September 25 RRC meeting starting at 10:00 AM. If you or anyone else needs a webex invitation, please let me or Alex know.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

From: Doug Bocker <doug@brockerlawfirm.com>
Sent: Wednesday, September 10, 2025 9:39 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: RE: [External] Proposed Readoption Plan for Periodic Review of 21 NCAC 53

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Seth:

Attached is a proposed plan. I included the number of rules in each set and the final deadline of July 2028. Let me know if you need anything else for the September meeting. Thanks for your feedback.

Doug

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, September 9, 2025 4:34 PM
To: Doug Bocker <doug@brockerlawfirm.com>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: Re: [External] Proposed Readoption Plan for Periodic Review of 21 NCAC 53

Doug,

I think this proposal looks fine generally, and I don't see a problem with a July 2028 readoption deadline.

One tweak, while I agree you don't need to include the spreadsheet breaking down which rules go in which subset, it may be helpful to indicate how many rules you anticipate being in each set. I don't expect that would change anything about the recommendation, but I could imagine the Commission having that question.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings

(984) 236-1934

From: Doug Brocker <doug@brockerlawfirm.com>
Sent: Tuesday, September 9, 2025 9:48 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: [External] Proposed Readoption Plan for Periodic Review of 21 NCAC 53

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Seth:

Attached for your review and potential feedback is a proposed Rules Readoption Schedule for the North Carolina Board of Licensed Clinical Mental Health Counselors. We wanted to get it to you in advance of the September 15 deadline in case you had any feedback or suggestions, including any potential contingencies that we should build into the readoption plan but missed them. I used the RRC permanent rulemaking flowchart to identify potential contingencies. We understand that the only binding aspect is the final readoption deadline, which would be July 2028 under this draft. However, we included additional detailed information to justify the additional year from your preliminary proposal of July 2027.

Because we anticipate significant revisions and amendments to many of the Board's regulations in this process to comply with current RRC requirements and preferences, we have divided all the Board's rules into 6 separate fairly equal segments and plan to address each at one of the Board's quarterly meetings prior to publication and comment. I did not attach the spreadsheet of those rule groupings as I didn't think they would be relevant to your review but am happy to provide them if helpful.

Once you have an opportunity to review, let us know if you have any feedback or suggestions, including as to format or content. Once we hear back from you, we will finalize the proposal and send it to you for consideration at the September RRC meeting, including adding a final readoption date. Thank you for your continued assistance in this process.

Doug

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, August 15, 2025 11:09 AM
To: Doug Bocker <doug@brockerlawfirm.com>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: Re: [External] Status update on Plan for Periodic Review 21 NCAC 53

Doug,

The September meeting will be fine, but I would prefer we not push past that. Ideally you would get your proposal to me by September 15th for the September 25th meeting.

Thanks,

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Doug Bocker <doug@brockerlawfirm.com>
Sent: Friday, August 15, 2025 10:14 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: [External] Status update on Plan for Periodic Review 21 NCAC 53

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Seth:

We've been working on the readoption plan but have not finalized it yet. Can we aim for the September meeting to submit to the RRC? If so, can you please send us the deadline for getting you our proposal to make it on the September RRC agenda, and we will make sure you have it by or before that deadline.

Doug

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, July 21, 2025 3:59 PM
To: Doug Bocker <doug@brockerlawfirm.com>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: Re: [External] RE: Periodic Review 21 NCAC 53

Doug,

It will just be me tomorrow, please go ahead and set up an invite.

Thanks,

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Doug Bocker <doug@brockerlawfirm.com>
Sent: Monday, July 21, 2025 3:54 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Melonie Davis <davis@ncblcmhc.org>
Cc: Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: RE: [External] RE: Periodic Review 21 NCAC 53

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Seth:

Melonie and I are both available at 4 PM tomorrow. Would you like us to set up a conference and send invites? If so, anyone else from your office that needs to be included?

Doug

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, July 21, 2025 1:40 PM
To: Doug Bocker <doug@brockerlawfirm.com>; Melonie Davis <davis@ncblcmhc.org>

Cc: File <file@brockerlawfirm.com>

Subject: Re: [External] RE: Periodic Review 21 NCAC 53

Doug,

I have a flexible block of time on Tuesday from 2 to 6. Is there a good time for you in there?

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: Doug Brocker <doug@brockerlawfirm.com>

Sent: Friday, July 18, 2025 3:53 PM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Melonie Davis <davis@ncblcmhc.org>; Julie B. Eddins <julie.eddins@oah.nc.gov>

Cc: File <file@brockerlawfirm.com>

Subject: RE: [External] RE: Periodic Review 21 NCAC 53

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Seth:

The Board met this week and discussed the readoption process and schedule. I had a couple questions for you so we can set the readoption deadline and a couple on related rule issues. Do you have time the first part of next week to jump on a conference with Melonie and me? I would expect that it would take between 15-30 minutes maximum and then we should be able to agree on a deadline. Let us know at your convenience.

Doug

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, May 30, 2025 3:49 PM
To: Melonie Davis <davis@ncblcmhc.org>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Doug Bocker <doug@brockerlawfirm.com>
Subject: Re: [External] RE: Periodic Review 21 NCAC 53

Melonie,

Thank you for your patience in resolving this and setting up the meeting today.

As we discussed, the plan is for you to get me an estimated timeline and proposed readoption date by July 20th, following your Board's meeting. If that ends up not being possible, let me know and we can push that out to August 20th. G.S. 150B-21.3A and 26 NCAC 05 .0212 cover the requirements for consultation in setting a readoption deadline, but the operative part, as we discussed is, is your estimated timeline. The information you submit can be fairly informal, an email or memo is fine. A recent example from the Commissioner of Banks is here, starting on page 2: <https://www.oah.nc.gov/commissioner-banks-agency-communication/open>. Note that if you have something more complicated going on that necessitates a longer timeline (staff changes, expected legislative changes, need to sequence other rulemakings) that information should also be included.

In answer to Doug's question, this is the statute governing readoption:
https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_150b/GS_150b-21.3A.pdf. The procedure and requirements for publication of readopted rules are the same, except that pursuant G.S. 150B-21.2(c)(1) the notice of text for a readopted rule without substantive changes (which I would err on the side of no changes) does not need to contain the text of the rule. However, a notice will still be published in the register. When you get closer to dealing with publication and the necessary documents, the resources on our website or Julie Eddins should be able to clarify any issues.

Let me know if you have any further questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

From: Melonie Davis <davis@ncblcmhc.org>
Sent: Friday, May 30, 2025 8:50 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Doug Bocker <doug@brockerlawfirm.com>
Subject: Re: [External] RE: Periodic Review 21 NCAC 53

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Seth,

3pm today works. I'll update the zoom link to reflect the changes. Thank you.

Melonie Davis | M.A, LCMHCA,NCC

Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors

2C Terrace Way | Greensboro, NC 27403 USA

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Friday, May 30, 2025 7:45:25 AM

To: Melonie Davis <davis@ncblcmhc.org>; Julie B. Eddins <julie.eddins@oah.nc.gov>

Cc: Doug Bocker <doug@brockerlawfirm.com>

Subject: Re: [External] RE: Periodic Review 21 NCAC 53

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Alternatively, if you are available I could call you after 3 pm today. Let me know which works better for you.

Seth Ascher

Sent via the Samsung Galaxy A52 5G, an AT&T 5G smartphone

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Friday, May 30, 2025 7:40:41 AM

To: Melonie Davis <davis@ncblcmhc.org>; Julie B. Eddins <julie.eddins@oah.nc.gov>

Cc: Doug Bocker <doug@brockerlawfirm.com>

Subject: Re: [External] RE: Periodic Review 21 NCAC 53

Melonie,

Apologies for losing track of this. It has been a busy week. I will plan to be on the call Monday.

Seth Ascher

Sent via the Samsung Galaxy A52 5G, an AT&T 5G smartphone

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From: Melonie Davis <davis@ncblcmhc.org>

Sent: Thursday, May 29, 2025 3:54:59 PM

To: Julie B. Eddins <julie.eddins@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Doug Bocker <doug@brockerlawfirm.com>

Subject: RE: [External] RE: Periodic Review 21 NCAC 53

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Yes Julie , thank you. That works for me. We can use the zoom link below and I will send a calendar invite to make things more convenient for you.

Join Zoom Meeting

<https://us02web.zoom.us/j/83706854330?pwd=LrTaNaHVZl5hGbokFlePAvEpgqtqio.1>

Meeting ID: 837 0685 4330

Passcode: 496532

Melonie Davis | M.A, LCMHCA,NCC

Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors

2C Terrace Way | Greensboro, NC 27403 USA

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From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Thursday, May 29, 2025 3:50 PM
To: Melonie Davis <davis@ncblcmhc.org>; Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Re: [External] RE: Periodic Review 21 NCAC 53

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Melonie,

I am out of the office this afternoon and will have limited access on Friday, I would be happy to speak with you on Monday at 9am if that works for you?

Julie

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From: Melonie Davis <davis@ncblcmhc.org>
Sent: Thursday, May 29, 2025 3:45:34 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; McGhee, Dana <dana.McGhee@oah.nc.gov>
Cc: Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: [External] RE: Periodic Review 21 NCAC 53

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Hello,

I am writing to follow up on this again. Is there someone I should reach out to directly for assistance?

Kindly,

Melonie Davis | M.A, LCMHCA,NCC

Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors

2C Terrace Way | Greensboro, NC 27403 USA

Phone: +1 336.217.6007 | Fax: +1 336.217.9450

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From: Melonie Davis <davis@ncblcmhc.org>

Sent: Thursday, May 22, 2025 10:21 AM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>; McGhee, Dana <dana.McGhee@oah.nc.gov>

Cc: Julie B. Eddins <julie.eddins@oah.nc.gov>; sherri@brockerlawfirm.com; doug@brockerlawfirm.com

Subject: RE: Periodic Review 21 NCAC 53

Hello Seth,

I'm following up regarding the rules readoption process. I want to ensure we're on track to meet any upcoming deadlines and to provide any additional required information you may need. I'm available to connect by phone or Zoom at your convenience.

Any additional guidance that you can provide will be greatly appreciated.

Kindly,

Melonie Davis | M.A, LCMHCA,NCC

Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors

2C Terrace Way | Greensboro, NC 27403 USA

Phone: +1 336.217.6007 | Fax: +1 336.217.9450

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Thursday, March 6, 2025 3:53 PM

To: McGhee, Dana <dana.McGhee@oah.nc.gov>; Melonie Davis <davis@ncblcmhc.org>

Cc: Julie B. Eddins <julie.eddins@oah.nc.gov>

Subject: Re: Periodic Review 21 NCAC 53

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Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these 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.

It appears that the deadline for your agency to provide this information is June 16, 2025. As a starting point, I would recommend a July 1, 2027 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: McGhee, Dana <dana.McGhee@oah.nc.gov>
Sent: Tuesday, March 4, 2025 3:36 PM
To: Melonie Davis <davis@ncblcmhc.org>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: Periodic Review 21 NCAC 53

Good afternoon,

The determinations in the attached periodic review reports for 21 NCAC 53 were effective February 19, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date for the rules in the report designated necessary.

The rule designated, as unnecessary expired effective March 1, 2025.

Let me know if you have any questions.

Dana McGhee
Publications Coordinator
Office of Administrative Hearings
984-236-1937
dana.mcghee@oah.nc.gov

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