

Burgos, Alexander N

Subject: FW: [External] Question about Rule Procedure

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, August 2, 2024 11:03 AM
To: Brigitte Easter <brigann12@gmail.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Question about Rule Procedure

Unfortunately, I don't have a recommendation other than discussing this rule with the Board of Dental Examiners and the General Assembly.

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

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Burgos, Alexander N

Subject: FW: [External] Question about Rule Procedure
Attachments: 7.2024 - Dental Examiners-Letters requesting legislative review.pdf

From: Burgos, Alexander N
Sent: Friday, August 2, 2024 10:49 AM
To: Brigitte Easter <brigann12@gmail.com>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: RE: [External] Question about Rule Procedure

My apologies to all. I gave Travis incorrect information earlier. I have just learned that we received six letters (attached). I am uploading them now. Please be advised the 10 letter requirement to delay the effective date was not met.

Alexander Burgos
Paralegal
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1940
Alexander.burgos@oah.nc.gov

From: Brigitte Easter <brigann12@gmail.com>
Sent: Friday, August 2, 2024 10:42 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

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Thank you for letting me know that the deadline was not wrong but I am concerned that the RRC didn't receive any requests for legislative review to the email provided (rrc.comments@oah..nc.gov) when I am aware several were sent.

With this information, do you have a recommendation as to what those individuals could do now since they have concerns with the changes made to this rule given it is a matter of public safety?

Brigitte Easter, RDH, BSDH, CDHC
President-Elect, NCDHA
Communications Chair, NCDHA Component 2
www.ncdha.org

On Fri, Aug 2, 2024 at 10:36 AM Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

The deadline was not wrong. We did not receive any requests for legislative review.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Brigitte Easter <brigann12@gmail.com>
Sent: Friday, August 2, 2024 10:14 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

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I am aware of people sending in requests for legislative review by 5:00 pm yesterday. Was the deadline wrong? Was the 5:00 pm deadline to be received by yesterday (day following the meeting) or by 5:00 pm on Wednesday when the RRC approved the rule?

Brigitte Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

www.ncdha.org

On Fri, Aug 2, 2024 at 10:02 AM Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Good morning,

No mam, we did not receive any requests for legislative review. 21 NCAC 16H .0104 has been entered into the NC Administrative Code.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Brigette Easter <brigann12@gmail.com>
Sent: Friday, August 2, 2024 9:51 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

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Good morning Travis and Alex!

I wanted to ask if it possible for you to tell me if the recent rule (21 NCAC 16H .0104) approved by the RRC received any requests for legislative review? If so, how many? If it was enough to be sent to the GA for legislative review, what is the next process and how do I go about following the next steps?

Thank you so much for your help!

Brigette Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

www.ncdha.org

On Tue, Jul 23, 2024 at 8:33 AM Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Good morning,

No mam. The 10 or more persons who submitted letters requesting legislative review do not have to resubmit the letters if the RRC approves the rule.

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] Question about Rule Procedure

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, July 23, 2024 8:34 AM
To: Brigitte Easter <brigann12@gmail.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Question about Rule Procedure

Good morning,

No mam. The 10 or more persons who submitted letters requesting legislative review do not have to resubmit the letters if the RRC approves the rule.

Thanks,

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

From: Brigitte Easter <brigann12@gmail.com>
Sent: Monday, July 22, 2024 8:43 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

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Yes, me again! One more question if I may.

If an existing, permanent rule as been sent to the Rules Review Commission to review and approve changes (revisions) an agency has made and approved to said rule and the RRC has received at least 10 objections to these revisions made by the agency prior to the RRC's meeting, will those who have submitted objections need to re-submit objections to the RRC if the RRC approves the revisions of the rule made by the agency?

Brigitte Easter, RDH, BSDH, CDHC
President-Elect, NCDHA
Communications Chair, NCDHA Component 2
www.ncdha.org

On Mon, Jul 22, 2024 at 9:01 AM Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Good morning,

Written comments or objections to any rule should be emailed to rrc.comments@oah.nc.gov and to the agency who has proposed the rule. This is the same for written letters requesting legislative review of a rule. You only need to email a copy to the RRC and to the agency that has adopted the rule.

Here is the link to the agenda for the upcoming meeting on July 31st. <https://www.oah.nc.gov/news/events/rrc-meeting-agenda-july-2024>

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Brigette Easter <brigann12@gmail.com>
Sent: Friday, July 19, 2024 4:05 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

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Thank you so much! Per the guidelines in for the required information for submitting an objection, it mentions that several copies must be provided to several departments. I think it says 16 maybe? Do those need to be provided via email or is that just when submitting via written objections?

Brigette Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

www.ncdha.org

On Thu, Jul 18, 2024 at 2:28 PM Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Good afternoon,

A template for requesting legislative review of a rule is on our website. I've attached the template.

Please let me know if you have any more questions.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Brigette Easter <brigann12@gmail.com>
Sent: Thursday, July 18, 2024 1:46 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

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Good afternoon Travis.

I hate to bother you again, but in reading all the information you have provided me about submitting an objection and a legislative review, I remain a little confused. I feel the information overlaps and I want to make sure the information required for submission is correct.

Is it possible for you or Alexander to provide me a sample objection/legislative review letter so that you can ensure you understand everything that is supposed to be contained in it.

Thank you so much!!!

Brigette Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

www.ncdha.org

On Fri, Jul 12, 2024 at 8:35 AM Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Hey Brigitte,

The links below should work for you.

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_150B/GS_150B-21.3.pdf

<http://reports.oah.state.nc.us/ncac/title%2026%20-%20administrative%20hearings/chapter%2005%20-%20rules%20review%20commission/26%20ncac%2005%20.0103.pdf>

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Brigitte Easter <brigann12@gmail.com>
Sent: Thursday, July 11, 2024 1:48 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

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Hey Travis. Sorry to bother you again, but when I click the N.C. Gen Stat and the 26 NCAC link you gave me above it takes me to the link below. I do not have an account with Lexi. Is there another way for me to review this information?

<https://signin.lexisnexis.com/lnaccess/app/signin?back=https%3A%2F%2Fpdc1c-advance.route53.lexis.com%3A443%2Furl->

Brigette Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

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On Tue, Jul 9, 2024 at 12:28 PM Wiggs, Travis C <travis.wiggs@oah.nc.gov> wrote:

Hello Ms. Easter,

Alex has done a fantastic job answering your questions but feel free to email or call me if you have any further inquiries. Please take a look at our website, <https://www.oah.nc.gov/rules-division/periodic-review-and-expiration-existing-rules>, under “Rules Division” “Periodic Review and Expiration of Existing Rules” for more information.

The process for submitting written objections/letters for legislative review is found in [N.C. Gen. Stat. § 150B-21.3](#).

The process for submitting written comments concerning permanent rules to the RRC is found in [26 N.C.A.C. 5.0103](#).

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Sent: Tuesday, July 9, 2024 7:08 AM
To: Brigitte Easter <brigann12@gmail.com>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: RE: [External] Question about Rule Procedure

Hello Brigitte, here are your answers below:

(1) comments/objections will be accepted up until 5pm of the day the meeting is held by the RRC (in this case, which is July 31st) **This would be for submitting letters requesting legislative review.**

(2) comments/objections for any rule being considered at the July 31st meeting is July 24th **The deadline to submit comments on a permanent rule is 5 business days before a meeting so in this case it's the 24th. The purpose of this is to give the RRC time to read the comments and consider them. They would not have time to look at comments and have questions for staff on the day of the meeting.**

Alexander Burgos

Paralegal

Office of Administrative Hearings

[1711 New Hope Church Road](#)

[Raleigh NC, 27609](#)

(984) 236-1940

Alexander.burgos@oah.nc.gov

From: Brigitte Easter <brigann12@gmail.com>
Sent: Monday, July 8, 2024 10:36 PM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

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

Subject: Re: [External] Question about Rule Procedure

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Thank you Alexander for your help in explaining this process for me.

I have another question if I may. In our conversation, there have been two different deadlines for submitting objections/comments for a rule being considered by the RRC:

(1) comments/objections will be accepted up until 5pm of the day the meeting is held by the RRC (in this case, which is July 31st)

(2) comments/objections for any rule being considered at the July 31st meeting is July 24th

Can you provide which deadline is correct for this particular meeting?

Thank you again for your help and your time.

Brigette Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

www.ncdha.org

On Tue, Jul 2, 2024 at 11:34 AM Burgos, Alexander N <alexander.burgos@oah.nc.gov> wrote:

Good morning Bridgette,

I am copying Travis Wiggs in this email because he is the attorney assigned to these Rules and will be your point of contact for these Rules. Travis will be away until Monday, July 8th. I will do my best to respond to your questions until he returns to the office. My responses are below:

Alexander Burgos

Paralegal

Office of Administrative Hearings

[1711 New Hope Church Road](#)

[Raleigh NC, 27609](#)

(984) 236-1940

Alexander.burgos@oah.nc.gov

From: Brigette Easter <brigann12@gmail.com>
Sent: Tuesday, July 2, 2024 8:53 AM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Question about Rule Procedure

You don't often get email from brigann12@gmail.com. [Learn why this is important](#)

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Good morning Alexander.

I spoke with you a few weeks ago about a particular rule being submitted from the North Carolina State Board of Dental Examiners (NCSBDE) for consideration by the Rules Review Commission. The particular rule is 21 NCAC 16H .0104.

I do see this rule is on the agenda for the upcoming July meeting. In reviewing the initial review by the Rules Review Commission (RRC) staff, I have a few things I would like clarification on.

On page 7, there is a title of **DEADLINE FOR RECEIPT of July 5, 2024**. Can you explain what this means? This deadline is for the agency to respond to the request for technical changes that the attorney is requesting.

Also, there are suggestions by the RRC staff and at the bottom, it asks for this to be retyped and resubmitted to the RRC office. Is this requesting the NCSBDE retype this or the staff retype and then resubmit to the RRC. This is for the agency to make the requested changes and submit the revised version of the rules back to the attorney. If this is asking the NCSBDE to retype and submit, if they do not wish to make these changes, what happens next? If the agency does not make the changes requested and the rule is deficient as follow: the agency lacks statutory authority to promulgate the rule, the rule is unclear or ambiguous as written, is unnecessary, or fails to comply with the APA, the attorney may issue a staff opinion to the RRC recommending objection to the rule.

Will this still be reviewed by the RRC in the current format? If the agency refuses to make changes, yes, the original version of the rule will be before the RRC.

Per your explanation regarding comments above, I'm assuming the RRC is receiving comments of objection for any rule being reviewed for the July meeting now and until the end of day of the July meeting? The deadline to submit comments for this meeting is July 24, 2024, All comments objecting any rule will be made public on the RRC website with the individual making the objection's name, etc? yes

Is making an objection different than requesting a legislative review, meaning does someone need to make both? Yes, you will need to do both. I did read that if the RRC receives at least 10 objections to the rule being considered, it will automatically go for legislative review. Am I understanding this correctly? Yes 10 or more will send the rule to the General Assembly for review if the rule is approved by the RRC at the meeting. If RRC objects to the rule, it remain on the agenda for the following months until the issues with the rule are resolved. If so, how does someone follow when this particular rule moves to legislative review, like the timeline of when it moves to the legislature, when it will be in review, what committee it is assigned to, etc? The rule with the letters will be sent to the General Assembly following the meeting. If the [Administrative Procedure Oversight Committee](#) meets and adds the rule on their calendar, they may take up the rule at that time and render a decision. If APO does not meet and 61 days has passed, the rule goes into effect. You can contact our office at that time to confirm.

Thank you so much for helping me understand this process. I'm trying to stay abreast and learn as much as I can and am very interested. Thank you also for your time!

I look forward to hearing from you!

Brigette Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

www.ncdha.org

On Tue, Jun 11, 2024 at 1:27 PM Burgos, Alexander N <alexander.burgos@oah.nc.gov> wrote:

Good afternoon Brigette, please see my answers below. I hope this helps you.

Alexander Burgos

Paralegal

Office of Administrative Hearings

[1711 New Hope Church Road](#)

[Raleigh NC, 27609](#)

(984) 236-1940

Alexander.burgos@oah.nc.gov

From: Brigette Easter <brigann12@gmail.com>

Sent: Tuesday, June 11, 2024 1:04 PM

To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: [External] Question about Rule Procedure

You don't often get email from brigann12@gmail.com. [Learn why this is important](#)

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Good afternoon Alexander.

I would like to have a little clarification regarding a proposed rule change that the NC State Board of Dental Examiners (NCSBDE) recently voted to change/amend.

The Rule in question is 21 NCAC 16 H .0104. The NCSBDE voted/approved final wording for amendments to 21 NCAC 16 H .0104 and voted to forward the Rule to the North Carolina Rules Review Commission for final adoption.

Is it possible for you to tell me when the Rules Review Commission will consider/accept this change, the newly revised rule to become in effect and when comments/objections will be accepted? We have not received this Rule for the June meeting. **If they file it for RRC review it may possibly be for the July meeting. The deadline for the July meeting is June 20th so it can come in any time before the 20th.**

I did see where comments/objections will be received until 5:00pm the day after the Rules Review Commission approves any rule. **Yes, comments objecting to the rule when it is filed for RRC review will be sent to rrc.comments@oah.nc.gov and will be posted on our website. Comments will be accepted up until 5pm of the day the meeting is held. Additionally, [letters requesting legislative review](#) can be submitted until 5pm the date of the meeting. The agenda for each month is published on the 1st of each month [here](#). If it's filed for the July meeting, it will be posted here on July 1st.**

To speak for or against a rule during an RRC meeting, please email the staff attorney handling the rule requesting to speak and stating whether you will speak in favor of or in opposition to the rule. Staff attorney assignments are noted next to rules on the agenda below and contact information can be found here. The deadline to sign up to speak regarding a permanent rule is [5pm on the 2nd business day](#) before meeting and the deadline to speak regarding a temporary rule is right before the meeting. For additional information, please see 26 NCAC 05 .0105

I do not see this discussion listed on the agenda for the upcoming June meeting. [It is not filed for the June meeting.](#)

Thank you for your time and assistance.

Brigette Easter, RDH, BSDH, CDHC

President-Elect, NCDHA

Communications Chair, NCDHA Component 2

www.ncdha.org

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