

## Burgos, Alexander N

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**Subject:** FW: RFC CPH 48 - September 2025

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**From:** Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>  
**Sent:** Friday, September 19, 2025 4:30 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; Collins, Devon <devon.collins@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RFC CPH 48 - September 2025

Hi Seth,

Thanks for this good news! Please let me know if any further questions arise ahead of next week's meeting.

Will you please include the following people on the Webex invite?

[virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov)  
[margaret.nemitz@unc.edu](mailto:margaret.nemitz@unc.edu)  
[stoned@unc.edu](mailto:stoned@unc.edu)  
[jschaeffer@ncdoj.gov](mailto:jschaeffer@ncdoj.gov)  
[clane@ncdoj.gov](mailto:clane@ncdoj.gov)  
[devon.collins@dhhs.nc.gov](mailto:devon.collins@dhhs.nc.gov)

The WIC rules are also Commission for Public Health rules, but under a separate Rulemaking Coordinator. There is no interconnectivity with these rules, and an extension is not needed on these rules.

Have a nice weekend!  
Virginia

**Virginia R. Niehaus, JD, MPH**  
Director of Regulatory and Legal Affairs  
Division of Public Health  
[NC Department of Health and Human Services](#)  
Pronouns: she/her/hers

Executive Assistant: [Christina Young](#)

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>

**Sent:** Friday, September 19, 2025 3:10 PM

**To:** Niehaus, Virginia <[virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov)>; Collins, Devon <[devon.collins@dhhs.nc.gov](mailto:devon.collins@dhhs.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** Re: RFC CPH 48 - September 2025

Thank you for your prompt responses. The updated rule is good to go, and at this point I anticipate recommending approval of the final revised version of these rules at next week's meeting.

I do note that the other CPH rules (the WIC ones) are expected to be extended. As I understand it, these were only combined by an error on our end, but if I am wrong and the local health rules also need to be extended let me know.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: RFC CPH 48 - September 2025  
**Attachments:** RFC CPH 48-Responses.docx; 10A NCAC 48C .0102.docx

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**From:** Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>  
**Sent:** Friday, September 19, 2025 10:08 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; Collins, Devon <devon.collins@dhhs.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RFC CPH 48 - September 2025

Hi Seth,

I have attached responses to the request for technical changes and one revised rule. Please let me know if you have any further questions on these rules.

Thank you for your assistance!

Regards,  
Virginia

**Virginia R. Niehaus, JD, MPH**  
Director of Regulatory and Legal Affairs  
Division of Public Health  
[NC Department of Health and Human Services](#)  
Pronouns: she/her/hers

Executive Assistant: [Christina Young](#)

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1 10A NCAC 48C .0102 is adopted with changes as published in 39:23 NCR 1516-1522 as follows:

2  
3 **10A NCAC 48C .0102 DEFINITIONS**

4 The following definitions shall apply throughout this Chapter:

- 5 (1) "Accreditation" means an evaluation of an LHD's infrastructure, competence, and capacity to  
6 provide public health services through the satisfaction of the standards set out in 10A NCAC 48D  
7 Section .0200.
- 8 (2) "Accreditation status" means the status assigned to an LHD by the Board in accordance with G.S.  
9 130A-34.1 and the rules of this Subchapter. The types of accreditation status are accredited,  
10 conditionally accredited, or unaccredited.
- 11 (3) "Activity" means a task demonstrating achievement of a portion of a standard.
- 12 (4) "Board" means "Accreditation Board" as defined in G.S. 130A-2(1).
- 13 (5) "Board of Health" or "BOH" means a "local board of health" as defined in G.S. 130A-2(4), a board  
14 of county commissioners that has assumed control of a local board of health in accordance with G.S.  
15 153A-77(a), a consolidated human services board with the authority to carry out the functions of a  
16 local board of health in accordance with G.S. 153A-77(b)(2), or hospital authority board acting  
17 pursuant to S.L. 1997-502, Sec. 12.
- 18 (6) "Community" means a subdivision of the population that shares one or more characteristics.
- 19 (7) "Community Health Assessment" means a process to identify through the collection and analysis of  
20 data and to document in a written report the public health needs within an LHD's jurisdiction.
- 21 (8) ~~Community~~ "Community Health Improvement Plan" means a written document setting out the steps  
22 to address the public health needs identified in the Community Health Assessment.
- 23 (9) "Community Partner" means individuals, groups, or organizations that are not affiliated with federal,  
24 state, local, or tribal government, but work with the LHD to identify and address public health needs.
- 25 (10) "Dashboard" means the web-based portal developed and maintained by the Institute to receive self-  
26 assessments submitted by LHDs. The Dashboard is located at  
27 <https://nclhdaccreditation.unc.edu/nclhda-dashboard/>.
- 28 (11) "Evidence-informed practice" means a way of doing something that is based on research findings,  
29 public health data, professional public health expertise, or customer feedback.
- 30 (12) "Institute" means the North Carolina Institute for Public Health.
- 31 (13) "Jurisdiction" means the county or counties that an LHD serves.
- 32 (14) "Local health department" or "LHD" means a local health department as defined in G.S. 130A-2(5),  
33 a consolidated human services agency that includes the local health department pursuant to G.S.  
34 153A-77(b)(3), or an agency acting under the direction of a hospital authority board acting pursuant  
35 to S.L. 1997-502, Sec. 12.
- 36 (15) "Local health director" means a local health director as defined in G.S. 130A-2(6) or appointed  
37 pursuant to G.S. 153A-77(e).

- 1 (16) "Population" means the people residing within an LHD's jurisdiction.
- 2 (17) "Self-assessment" means a written review that reflects the degree of an LHD's satisfaction of each
- 3 standard and activity set out in 10A NCAC 48D Section .0200 that is completed and submitted by
- 4 the LHD in accordance with 10A NCAC 48D .0201. The self-assessment shall include
- 5 documentation supporting the completion of each activity.
- 6 (18) ~~"Social or Structural~~ "Structural or Social Determinants of Health" or "SDOH" means the non-
- 7 medical factors that impact health, well-being, and quality of life including social, economic, and
- 8 political factors that generate and maintain individual health outcomes.
- 9 (19) "Standard" means a criterion to be assessed in determining an LHD's accreditation. A standard is
- 10 comprised of activities.
- 11 (20) "Source of data" means quantitative or qualitative data collected by an LHD or another entity.
- 12

13 *History Note:* *Authority G.S. 130A-34.1;*

14 *Eff. June 1, 2026.*

15

## **Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;, and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
<https://www.oah.nc.gov/rule-format-examples>

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 48D .0101

**DEADLINE FOR RECEIPT: Friday, September 19, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 11, as written this would mean if any one part of the requirement is met the LHD would be assigned one point. Is this the intent?*

*Yes, this is the intent.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 48D .0205

**DEADLINE FOR RECEIPT: Friday, September 19, 2025**

***PLEASE NOTE:*** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 6, are there standards or definitions for what item (1) requires somewhere? Or is the plan entirely up to the LHD and the rule only requires that it exists?*

*This activity requires the LHD to have a plan that addresses structural or social determinants of health. "Structural or social determinants of health" is a defined term in 10A NCAC 48C .0102(18) and means "the non-medical factors that impact health, well-being, and quality of life including social, economic, and political factors that generate and maintain individual health outcomes." However, we realized that the words "structural" and "social" were accidentally reversed in 10A NCAC 48C .0102(18). We have attached a revised version of that rule correcting this. The plan is otherwise up to the LHD.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



## Burgos, Alexander N

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**Subject:** FW: RFC CPH 48 - September 2025

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**From:** Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>  
**Sent:** Tuesday, September 16, 2025 12:24 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; Collins, Devon <devon.collins@dhhs.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RFC CPH 48 - September 2025

Hi Seth,

Thanks for your review and feedback on these rules. I am hopeful we can get our response back to you by Friday.

Regards,  
Virginia

**Virginia R. Niehaus, JD, MPH**  
Director of Regulatory and Legal Affairs  
Division of Public Health  
[NC Department of Health and Human Services](#)  
Pronouns: she/her/hers

Executive Assistant: [Christina Young](#)

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## **Burgos, Alexander N**

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**From:** Ascher, Seth M  
**Sent:** Monday, September 15, 2025 4:50 PM  
**To:** Niehaus, Virginia; Collins, Devon  
**Cc:** Burgos, Alexander N  
**Subject:** RFC CPH 48 - September 2025  
**Attachments:** RFC CPH 48.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Commission for Public Health for the September 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, September 25, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on September 19, 2025. I recognize that this is a short turnaround time, and I can recommend that the review of these rules be extended to the October meeting if that is what you would prefer.

Please let me know if you have any questions of concerns.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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