

## Burgos, Alexander N

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**Subject:** FW: Periodic Review - 24 NCAC 03

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**From:** Sluss, Karissa <karissa.sluss@oshrc.labor.nc.gov>

**Sent:** Tuesday, May 13, 2025 11:04 AM

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

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Hoover, Felicia <felicia.hoover@oshrc.labor.nc.gov>

**Subject:** RE: Periodic Review - 24 NCAC 03

Travis and Felicia,

The following is a summary of my phone call with Mr. Wiggs at the NCOAH, RRC today and my understanding of our discussion.

Because of the vast amount of rulemaking that is currently taking place before the Rules Review Commission due to the Periodic Review and Mandatory Readoption process required of all state agencies under G.S. 150B-21.3A, the Rules Review Commission has scheduled the deadline of August 1, 2027 for NC OSH Review Commission's mandatory readoption of all rules deemed "Necessary" in our periodic review report. This date is not to arbitrarily delay any of NC OSH Review Commission's rulemaking efforts, but to best accommodate the RRC's full schedule and staff workloads.

Rulemaking during the G.S. 150B-21.3A Mandatory Readoption of "necessary" rules is done on the basis of the rule text as it was at the time our rules were deemed "necessary" in our periodic review report. Therefore, if the OSH Review Commission undertakes rulemaking to amend our rules now, we will need to make those same amendments again when we commence with rulemaking in 2027 in conjunction with the G.S. 150B-21.3A mandatory readoption of all rules deemed "necessary".

With all of that in mind, the OSH Review Commission may go ahead, now, and proceed with rulemaking to amend current rule text to allow for e-filing, as has been requested by our stakeholders and members of the public.

However, to avoid redundant rulemaking, and out of consideration for RRC's current rulemaking schedule and to prevent overburdening staff's workload, the OSH Review Commission should consider rulemaking at this time for only our most urgent amendments; therefore, we should limit rulemaking to amending those few rules pertaining to filing/e-filing.

Travis, thank you again for your time and assistance.

Kindest regards,

**Karissa B. Sluss, NCCP**

Docket Administrator

[NC OSH Review Commission](#)

422 N Blount St

Raleigh NC 27601

984-389-4132

[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)

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## Burgos, Alexander N

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**From:** Whitney Waldenberg <Whitney@brokerlawfirm.com>  
**Sent:** Monday, May 12, 2025 5:55 PM  
**To:** Wiggs, Travis C  
**Cc:** Doug Bocker; File; Sherri Roycroft; Burgos, Alexander N  
**Subject:** RE: [External] Few follow-ups from Request for Technical Changes to Dental Board Rules (RRC COMM)

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Travis, I am confirming receipt. Thank you!

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Monday, May 12, 2025 2:25 PM  
**To:** Whitney Waldenberg <Whitney@brokerlawfirm.com>  
**Cc:** Doug Bocker <doug@brokerlawfirm.com>; File <file@brokerlawfirm.com>; Sherri Roycroft <sherri@brokerlawfirm.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] Few follow-ups from Request for Technical Changes to Dental Board Rules (RRC COMM)

Good afternoon,

1. In 16B .1101 and 16C .0601, please include language that makes it clear the Board may only revoke “any license obtained through fraud or by any false representation” after the normal disciplinary process. Please cite or cross-reference the rule(s) where the disciplinary process is located. I reviewed the Board’s rules from the July 31, 2024, RRC meeting and did not see where this language had been approved by the RRC. Please send me the rules you mentioned if you want me to review them.
2.
  - i. Please replace “is subject to active suspension” with “is actively suspended.” I agree that commas won’t be needed after that change. Also, on line 13, consider changing “will” to “shall” if the intent is to impose a duty to “notify all patients...”
  - ii. Please add “to the Board” after “demonstrate.” Yes, I’m satisfied with the standard you are proposing. Please incorporate it into this Rule.
3. Yes, please add G.S. 90-30.2 to the History Note. I understand the use of the word “synchronous”, but I’m concerned the regulated public might find it confusing. Please consider using “at the same time”, “simultaneous”, or “concurrent” as a replacement.

Please let me know if you have any other questions or would like to have a phone call.

Thanks,

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

**From:** Whitney Waldenberg <[Whitney@brockerlawfirm.com](mailto:Whitney@brockerlawfirm.com)>  
**Sent:** Monday, May 12, 2025 8:58 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Doug Brocker <[doug@brockerlawfirm.com](mailto:doug@brockerlawfirm.com)>; File <[file@brockerlawfirm.com](mailto:file@brockerlawfirm.com)>; Sherri Roycroft <[sherri@brockerlawfirm.com](mailto:sherri@brockerlawfirm.com)>  
**Subject:** [External] Few follow-ups from Request for Technical Changes to Dental Board Rules (RRC COMM)

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning Travis,

We have just a few follow-up questions about the request for technical changes. I am hopeful that these are easy to address. I am happy to hop on a phone call if it would be easier or more efficient to discuss any of these items:

1. 16B.1101 and 16C.0601: You asked: ***"In (k), ... who will determine if the license is obtained "through fraud or false representation?" Would this finding be made by the Board after a disciplinary process?"*** The Board would only revoke after the normal disciplinary process, although it could summarily suspend the license as it has done before when warranted. Please let us know if you have concerns that you think would require a change---I believe this same language has been approved by the RRC fairly recently in all our application rules, and we are concerned that if we make a change here, we will eventually have to change them all.
2. 16T.0104:
  - i. You asked: ***"In (b), line 12, what is meant by "is subject to active suspension?" Consider replacing this language with "has been or will be suspended." Also, consider adding a comma after "longer" and after "Board" (line 13)."*** We think that the word "active" is needed to distinguish from stayed suspension, which would not require notification. We could replace with the phrase "is actively suspended" to make it parallel with "or is revoked, . ." In that case, I don't think the commas would be needed. Please advise if that change make sense. The other option would be "is revoked, or suspended for 30 days or longer, by Order of the Board, will . . . " Let us know your thoughts.
  - ii. You asked: ***"Lines 5-6, who will determine if there is "just cause for the abandonment of the patient records"? Would this finding be made by the Board and what standards would be used to make this determination?"*** We were thinking of changing to "demonstrate to the Board," but this would not answer your question about the standard. We could also replace "just cause for the abandonment of the patient records" with the following: "that the abandonment of patient records was caused by an impairment, disability or other condition outside of petitioner's control and that petitioner . . . ." This would supply the standard. What are your thoughts? Please see G.S. 90-41(a)(7) and 16S.0101 for support.
3. 16W.0101: You asked ***"In (a), lines 10-11, is "synchronous teledentistry" defined or regulated in a different rule or law? If so, please provide a citation in this Rule."*** "Teledentistry" is defined in G.S. 90-30.2. Should we add that statute to the authorities section? We added the term "synchronous" to indicate at the same time as the hygienist is providing treatment. Please let us know if the issue with this word.

I believe those are the only loose ends we have. Again, I am happy to hop on a call to hammer any of these items out!

Thank you,

Whitney



## Whitney Waldenberg\*

Of Counsel

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## Burgos, Alexander N

---

**From:** Wiggs, Travis C  
**Sent:** Tuesday, May 13, 2025 8:43 AM  
**To:** Sluss, Karissa  
**Cc:** Burgos, Alexander N; Hoover, Felicia  
**Subject:** RE: Periodic Review - 24 NCAC 03

Yes, please call my office number below.

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

---

**From:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>  
**Sent:** Tuesday, May 13, 2025 8:42 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>  
**Subject:** Re: Periodic Review - 24 NCAC 03

Are you available today at 10:00?

--Karissa

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, May 13, 2025 8:23:36 AM  
**To:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>  
**Subject:** RE: Periodic Review - 24 NCAC 03

Sure. What time?

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

---

**From:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>  
**Sent:** Monday, May 12, 2025 5:25 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>  
**Subject:** Re: Periodic Review - 24 NCAC 03

Travis,

Your response confused me as well. We don't want to exempt anything.

Do you have time for a phone conversation tomorrow? If not will be in a hearing on Wednesday, but I can be available Thursday or Friday.

Our agency needs to do rulemaking now to put rule amendments in place as soon as possible to allow parties to do e-filing. Perhaps you can help me understand how to do that in conjunction with the Mandatory Readoption process.

Kindest Regards,

Karissa B Sluss  
Docketing Administrator  
NC OSH Review Commission

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Monday, May 12, 2025 4:58:51 PM  
**To:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>  
**Subject:** RE: Periodic Review - 24 NCAC 03

Good afternoon,

I'm satisfied with your proposed timeline. We will add the deadline of August 1, 2027, to the May 29, 2025, meeting agenda for a vote by the RRC.

I'm confused by, "Most of our rules will be amended during this rulemaking process. We believe that when the time for mandatory readoption arrives for our agency in 2027, the majority of our rules will be readopted without substantive changes." The rules in 24 NCAC 03 have already been reviewed pursuant to 150B-21.3A(d)(1), so there's not a basis to exempt any "Necessary" rules. Any rules amended outside of 150B-21.3A(d)(2) will have to be amended again prior to the readoption deadline.

Let me know if you have any questions.

Thanks,

Travis C. Wiggs  
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Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>

**Sent:** Monday, May 12, 2025 10:14 AM

**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>

**Subject:** RE: Periodic Review - 24 NCAC 03

Travis,

The OSH Review Commission has met and approved the following timeline for readoption.

#### 26 NCAC 05 .0212 READOPTIONS

(1) written documentation of the agency's planned timeline for readoption, providing planned dates for all steps required by G.S. 150B-21.2

1. Agency Action to Propose Text: 1<sup>st</sup> Quarterly Meeting (January of 2027)
2. Submit Notice of Text to OAH: No later than March 11 2027
3. Publication in NC Register and on Agency Website and Notice to Interested Persons: April 1, 2027
4. Public Hearing: None planned unless requested.
5. Comment Period Ends: June 15, 2027
6. Agency Reviews Public Comments and Adopts Rule: August 1, 2027
7. Submit Permanent Text for RRC for Review: August 20, 2027
8. RRC Meeting Date: September 24, 2027
9. Earliest Effective Date of Permanent Rule (if approved): October 1, 2027.

In regard to rulemaking priorities:

Within the next few weeks, we will begin rulemaking to update our filing procedures to include e-filing and update references to our agency's name that are out of date in current rule text. Most of our rules will be amended during this rulemaking process. We believe that when the time for mandatory readoption arrives for our agency in 2027, the majority of our rules will be readopted without substantive changes.

We look forward to receiving any feedback you may have and to working with the RRC and its staff during this time.

Kindest regards,

**Karissa B. Sluss, NCCP**

Docket Administrator

[NC OSH Review Commission](https://www.ncoshreview.com)

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Sent:** Tuesday, April 8, 2025 3:00 PM

**To:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>

**Subject:** RE: Periodic Review - 24 NCAC 03

**May 16, 2025**, is your agency's new deadline for the information required to be submitted to the RRC under 26 NCAC 05 .0212.

Please do not send us the minutes from your Commission meeting, or additional supporting documents, to document your agency's planned readoption timeline and rulemaking priorities. An email with all the necessary information will suffice. I will ask for additional documentation if necessary.

Thanks,

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

---

**From:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>

**Sent:** Tuesday, April 8, 2025 2:27 PM

**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>

**Subject:** RE: Periodic Review - 24 NCAC 03

Troy,

On behalf of our agency, which is a Commission under the purview of the Office of The Governor, we are requesting that our deadline to respond with information in accordance with 26 NCAC 05 .0212 be extended.

Per 26 NCAC 05 .0212 (b): "A board or commission shall take the actions specified in Subparagraphs (a)(1) and (a)(2) of this Rule within 60 days of receipt of the Commission's consultation request, or within 10 days after the board or commission's next regularly scheduled meeting after receipt of the Commission's consultation request, whichever comes later."

Our next regularly scheduled meeting after receipt of the below consultation request is May 6, 2025, which should allow us a new deadline of May 16, 2025.

Additionally, could you confirm that minutes (with or without additional supporting documents such as a draft “Notice of Text Coversheet”) from our Commission meeting would be sufficient documentation of our agency’s planned timeline for readoption and of the agency’s rulemaking priorities relevant to the timeline for readoption?

Kindest regards,

**Karissa B. Sluss, NCCP**

Docket Administrator

[NC OSH Review Commission](#)

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, March 18, 2025 11:42 AM  
**To:** Sluss, Karissa <[karissa.sluss@oshrc.labor.nc.gov](mailto:karissa.sluss@oshrc.labor.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** FW: Periodic Review - 24 NCAC 03

Please see below and attached.

Thanks,

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

---

**From:** Wiggs, Travis C  
**Sent:** Thursday, February 20, 2025 3:16 PM  
**To:** Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** FW: Periodic Review - 24 NCAC 03

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 April 18, 2025. As a starting point, I would recommend an August 1, 2027, 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](mailto:travis.wiggs@oah.nc.gov)

---

**From:** McGhee, Dana <[dana.McGhee@oah.nc.gov](mailto:dana.McGhee@oah.nc.gov)>  
**Sent:** Thursday, February 20, 2025 2:51 PM  
**To:** Hoover, Felicia <[felicia.hoover@oshrc.labor.nc.gov](mailto:felicia.hoover@oshrc.labor.nc.gov)>  
**Cc:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Subject:** Periodic Review - 24 NCAC 03

Good afternoon,

The determinations in the attached periodic review reports for 24 NCAC 03 were effective January 26, 2025. Commission Counsel Travis Wiggs will reach out to you to discuss setting the readoption date for the rules in the report designated, as necessary.

The rule designated, as unnecessary expired effective February 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](mailto:dana.mcghee@oah.nc.gov)

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