

Burgos, Alexander N

Subject: FW: RFC for CPH September 2026

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

Sent: Thursday, September 17, 2026 4:14 PM

To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>; Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>

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

Subject: Re: RFC for CPH September 2026

Virginia,

Thank you for your timely response. I anticipate recommending approval of the rules as filed at the upcoming meeting. I'll let you know if anything changes before then.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: RFC for CPH September 2026
Attachments: Commission for Public Health September 2026-Response.docx

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Thursday, September 10, 2026 7:01 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for CPH September 2026

Hi Seth,

I have attached the response to the request for technical changes. Please let me know if you have any further questions on these rules.

As a reminder, I am out of the office September 14-21. If anything is needed while I am out the office, the primary point of contact will be [@Collins, Devon](#), assisted by [@Young, Christina D](#).

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

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41C .1002

DEADLINE FOR RECEIPT: September 17, 2026

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:

Please confirm that the fund established under S.L. 2021-180 s. 9G.8 still exists. I see where the availability of existing funds was extended by S.L. 2025-97, but if it was exhausted these rules are no longer necessary.

NCDHHS, Division of Public Health has confirmed that a portion of the funding appropriated under SL 2021-180 s.9G.8 remains available. This funding was converted from federal State Fiscal Recovery Funds to net General Fund appropriations by S.L 2025-97 s.6.9 and remains available until June 30, 2027.

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

Seth Ascher
Commission Counsel

Date submitted to agency: September 6, 2026

Burgos, Alexander N

Subject: FW: RFC for CPH September 2026
Attachments: Commission for Public Health September 2026-Response.docx

From: Niehaus, Virginia
Sent: Tuesday, September 8, 2026 3:57 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Collins, Devon <devon.collins@dhhs.nc.gov>; Young, Christina D <christina.young@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for CPH September 2026

Hi Seth,

Thank you for your review of these rules. I am acknowledging receipt of the RFC. It is my aim to have a response to you this week. I am out of the office September 14-21. If anything is needed while I am out the office, the primary point of contact will be [@Collins, Devon](#), assisted by [@Young, Christina D](#).

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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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, September 8, 2026 3:03 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>; Collins, Devon <devon.collins@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RFC for CPH September 2026

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Commission for Public Health for the September 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Tuesday, September 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite 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 invites out to them as well.

Attached is my initial 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 17, 2026.

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

Seth Ascher

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

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