

## Pfeiffer, Nadine

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**From:** Benton, Mark  
**Sent:** Monday, July 10, 2023 10:57 AM  
**To:** Snyder, Ashley B  
**Cc:** Cronin, Julie; Premakumar, Rajeev K; Pfeiffer, Nadine  
**Subject:** Response to July 7 Letter  
**Attachments:** Form0600EmergencyRule 14E-rev 7-10-23.doc.pdf

Dear Codifier Snyder:

NCDHHS is in receipt of your July 7, 2023, letter finding that the Department's submission and statement of need for emergency rule did not meet the criteria set forth in N.C.G.S. § 150B-21.1A(a). We respectfully disagree with your conclusion that the submission did not meet criteria. Pursuant to N.C.G.S. § 150B-21.1A(b), NCDHHS has decided not to provide additional findings or submit a new statement and wishes to submit these emergency rules for publication on the sixth business day, July 18, 2023, in the North Carolina Administrative Code over the objection of the Codifier. The adoption of emergency rules will protect the health and safety of women obtaining reproductive health care and resolve uncertainty about the rules applicable to impacted providers until the Department is able to promulgate temporary or permanent rules.

Attached is the Emergency Rule 0600 form with my signature as the agency official duly authorized to adopt rules on behalf of NCDHHS, pursuant to G.S. §143B-10 and the previously submitted Secretarial Directive.

Respectfully,

MTB

**Mark T. Benton** *he/him/his*  
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NC Department of Health and Human Services

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