

## **DHHS Directive Number II-34**

**Title:** Delegation of Authority to Director, Division of Services for the Deaf and Hard of Hearing  
**Effective Date:** November 3, 2008  
**Revision History:** January 1, 2002  
**Authority:** G.S. 143-B-10, G.S. 143B-216.33, G.S. 143B-216.34, G.S. 8B

### **Purpose**

The purpose of this directive is to delegate, clarify and specifically confirm certain authorities of the Secretary of the North Carolina Department of Health and Human Services (NC DHHS) to the Director of the Division of Services for the Deaf and the Hard of Hearing. These authorities are delegated under the supervision of the Assistant Secretary for Long Term Care and Family Services and the Director shall report to the Secretary through the Assistant Secretary for Long Term Care and Family Services.

### **Delegation of Authority**

As provided in G.S. 143B-10(a), the Secretary of the DHHS delegates the following functions concerning management and administration to the Director of the Division of Services for the Deaf and the Hard of Hearing, subject to state and departmental policy:

1. The functions of management, related to the Division of Services for the Deaf and Hard of Hearing, as defined in G.S. 143B-10, which include: planning, organizing, staffing, directing, coordinating, reporting and budgeting.
2. The management and rulemaking authority (in coordination with the Office of the General Counsel) to develop and carry out programs, including, but not limited to:
  - A. Rules governing services for the deaf and hard of hearing as set forth in G.S. 143B-137;
  - B. Rules governing the administration and implementation of the Telecommunications Access of North Carolina program and the Telecommunications Equipment Distribution Program as covered under G.S. 67-157 and G.S. 143B-216.34;

- C. Rules governing the administration of a network of resource centers for local access to services such as interpreters, information and referral, Video Relay Service, and advocacy for persons who are deaf, hard of hearing, deaf-blind or late deafened. (G.S. 143B-216.33 (a)(3));
  - D. Rules governing establishment of training and evaluation standards for determination of competency of individuals serving as interpreters for persons who are deaf, hard of hearing, deaf-blind or late deafened (G.S. 8B-1 and G.S. 143B-216.33(a)(8));
  - E. Management of the establishment and maintenance of lists of qualified available interpreters and provision of lists to each Clerk of Superior Court and of fee schedules for payment of interpreters (G.S. 8B-8); and
  - F. Rules governing certification of assistance dogs for the deaf, hard of hearing, deaf-blind or late deafened (G.S. 168-4.2 and 168-4.3).
3. Providing management and clerical support services to the NC Council for the Deaf and the Hard of Hearing (G.S. 143B-216.32(e) and (f)).
  4. The authority to issue declaratory rulings as to the validity or applicability of any rule which has been adopted or as to the applicability of any statute, rule or order administered by the division to a given set of facts, unless otherwise specified by statute or rule (G.S. 150B-17; G.S. 150B-11; and G.S. 143B-181.1).
  5. The authority to appoint a hearing officer, when necessary, to hear appeals of administrative decisions regarding any law, rule or policy enforced by the division, under administrative procedures set forth in G.S. Chapter 150B or otherwise required by state or federal law.
  6. The authority to issue a final agency decision in contested case hearings. However, if the initial administrative decision that is the subject matter of the appeal was rendered by the Director, then the Secretary of the DHHS shall make the final agency decision.
  7. Serve as the lead division for technical assistance to divisions/offices within the department to ensure that equal access for deaf and hearing-impaired persons is being provided in all programs and services of the department.
  8. Maintain a suggested fee schedule and an updated listing of certified/assessed interpreters in the state.
  9. Coordinate the provision of interpreter services by referring a qualified interpreter having skills commensurate with the deaf individual's need.
  10. The Director shall be responsible for coordinating the division's monitoring functions with other divisions and local partners to ensure compliance with state and federal requirements.

11. The Director shall be responsible for ensuring that the division is familiar with and adheres to the Department's Policy and Procedures Manual.

This delegation of authority shall not deprive the Secretary from performing, in lieu of the Director of the Division of Services for the Deaf and the Hard of Hearing, any of the acts set forth above. This delegation of authority may be amended or withdrawn by the Secretary at any time and without notice. This delegation of authority shall not apply to any actions which by law, state policy, or NC Governor's Executive Order, may only be executed by the Secretary.

APPROVED

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Dempsey Benton, Secretary  
Department of Health and Human Services