

DHHS Directive Number II-31

Title: Delegation of Authority to the Director, Division of Vocational Rehabilitation Services
Effective Date: November 3, 2008
Revision History: January 1, 2002
Authority: G.S. 143B-10; G.S. 143-545 through 143-548; G.S. 168-2, -4.2, -4.3; G.S. 20-37.6(c); G.S. 20-79.7; 20 CFR 404-1601 and 1610

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 Vocational Rehabilitation Services. 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 and responsibilities concerning management and administration to the Director of the Division of Vocational Rehabilitation Services, subject to state and departmental policy:

1. The functions of management, related to the Division of Vocational Rehabilitation Services, as defined in G.S. 143B-10 which include: planning, organizing, staffing, directing, coordinating, evaluating, reporting and budgeting.
2. The management and rulemaking authority (in coordination with the General Counsel) to develop and carry out programs, including, but not limited to:
 - A. Vocational Rehabilitation Services Program including the Independent Living Program (G.S. 143-545 through 143-548);

- B. NC Client Assistance Program under the Rehabilitation Act of 1973, as amended by the 1984 Amendments (PL 98-221);
 - C. NC Assistive Technology Program (PL 100-407);
 - D. Disability Determination responsibilities under 20 CFR 404-1601 and 20 CFR 404-1610 of the Social Security Act;
 - E. Vocational Rehabilitation Program for Social Security Disability Insurance and Supplemental Security Income Beneficiaries (PL 97-35, Sections 2209 and 2344, Sections 222(d) and 1615(d) of the Social Security Act, as amended);
 - F. The State Rehabilitation Council (SRC) for the Division of Vocational Rehabilitation Services. In particular, the Director will provide staff support to the Council, and maintain the organization and integrity of the Council, as well as a distinct budget and accounting mechanism (G.S. 143-548 and PL 93-112), the Rehabilitation Act of 1973, as amended most recently by the 1992 Amendments;
 - G. The development, printing and promotion of the publication Access North Carolina (G.S. 168-2 and G.S. 20-79.7);
 - H. Establishment of a State Plan for Vocational Rehabilitation Services and the Independent Living Programs;
 - I. Establishment and maintenance of a pool of qualified hearing officers for appeals hearings under Sec. 102(d) of the Rehabilitation Act of 1973, as amended;
 - J. Certification of organizations which regularly transport handicapped persons (G.S. 20-37.6(c));
 - K. All programs and services to be carried out under the Rehabilitation Act of 1973, as amended, that are contained or authorized in the approved State Plan for Vocational Rehabilitation Services;
 - L. The NC Independent Living Advisory Committee (ILAC) for Vocational Rehabilitation Independent Living Rehabilitation Services. In particular, the Director will provide staff support to the Council, and maintain the organization and integrity of the Council, as well as a distinct budget and accounting mechanism (G.S. 143-548 and PL 93-112, the Rehabilitation Act of 1973, as amended most recently by the 1998 Amendments;
 - M. Vocational Rehabilitation Services Program as set forth in G.S. 143-545 through 143-548, Public Law 93-112, as amended; and
 - N. Procedures for assistance dogs certification (G.S. 168-4.2 and 168-4.3).
3. If an administrative decision is appealed regarding any law, rule, or policy enforced by the division or regarding any action taken by the Director, except for appeals under Sec. 102(d) of the Rehabilitation Act of 1973, as amended, the Director is delegated the authority to ensure that all applicable provisions of G.S. Chapter 150B and all applicable rules are carried out.
4. In appeals under Sec. 102(d) of the Rehabilitation Act of 1973, as amended, the Director has the authority to review, in whole or in part, the decision of the

- independent hearing officer and to render a final Agency decision based federal or state law or policy. This decision is appealable to the Secretary who renders a final decision based on facts of law.
5. The authority to issue declaratory rulings related to the statutes, rules and orders of the Division of Vocational Rehabilitation Services.
 6. 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.
 7. 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 Vocational Rehabilitation, 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

Dempsey Benton, Secretary
Department of Health and Human Services