

DHHS Directive Number II-33

Title: Delegation of Authority to the Director, Division of Services for the Blind
Effective Date: May 13, 2008
Revision History: September 5, 2007; January 1, 2002
Authority: G.S. 143B-10; G.S. 143B-14(a) and (d); G.S. 143B-158; G.S. 143B-162; G.S. 143B-164(c); G.S. 111-4.

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 Blind. 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, Division of Services for the Blind, subject to state and departmental policy:

1. The functions of management, as related to the Division of Services for the Blind, 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 Office of the General Counsel) to develop and carry out programs, including, but not limited to:

- A. The management and support functions of the Commission for the Blind/State Rehabilitation Council as defined in G.S. 143B-14(d), G.S. 143B-17, and G.S. 143B-158;
 - B. The clerical and other services required by the Professional Advisory Committee as defined in G.S. 143B-162;
 - C. The clerical and other services required by the Consumer and Advocacy Advisory Committee as defined in G.S. 143B-164(e);
 - D. Register of the Blind (G.S. 111-4);
 - E. Vocational Rehabilitation Program (G.S. 111-6 and G.S. 111-28.1);
 - F. Medical/Eye Care Program (G.S. 111-8);
 - G. Reporting Blindness (G.S. 111-4);
 - H. Aid to the Blind Program (G.S. 111-13, -14, -16, -17, -18, -20, and -25);
and
 - I. Business Enterprises Program (G.S. 111-27, -27.1, -41, -43, -44, and 136-89.56).
3. The authority to accept contributions of funds in accordance with G.S. 111-12.1 and to treat such funds as state funds to match federal funds in accordance with G.S. 111-12.2.
 4. The authority to retain \$100,000 of funds held by the Business Enterprises Program or its successor organization as a reserve and operating capital to be expended in accordance with Chapter 111 of the G.S. as provided in G.S. 111-12.5.
 5. The authority to sign a proper voucher covering an award to a blind person made by the board of county commissioners and approved by the Director (G.S. 111-18).
 6. The authority to, in the absence of any appeal from an applicant for public assistance, make any determination increasing or decreasing the award, allowing or disallowing the same, not inconsistent with the rules adopted by the NC Commission for the Blind (G.S. 111-16).
 7. The authority to make final agency decisions in contested case hearings arising under the Independent Living Services Program and Medical/Eye Care Program.
 8. The authority to issue Declaratory Rulings as to the validity of applicability of any rule which has been adopted by the NC Commission for the Blind, or as to the applicability to a given statement of facts of any statute, rule or order administered by the division.
 9. The authority to enter into reciprocal agreements with human service agencies in other states relative to the provision of assistance and services to residents, non-residents or transients (G.S.111-28).

10. The authority to execute contracts on behalf of the Division, subject to obtaining the appropriate Departmental approvals.
11. 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.
12. 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 Division of Services for the Blind, 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