



**North Carolina Department of Health and Human Services
Division of Services for the Deaf and the Hard of Hearing**

Pat McCrory
Governor

Richard O. Brajer
Secretary

Claudia B. Horn, M.S.
Senior Director

Jan Withers
Division Director

January 13, 2016

North Carolina Rules Review Commission
North Carolina Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609

Members of the Rules Review Commission:

I am writing to request the waiver of the schedule established in 26 NCAC 05 .0211 for filing the Periodic Review and Extension of Existing Rules Report for Submission to the Rules Review Commission for the Division of Services for the Deaf and the Hard of Hearing (DSDHH).

DSDHH, a division within the North Carolina Department of Health and Human Services, provides a variety of services to individuals who are Deaf, Hard of Hearing and Deaf-Blind so they may function independently in the communities where they live.

One major service DSDHH provides is the distribution of adaptive telecommunications equipment to eligible low-income North Carolinians with hearing loss so that they may be able to use the telephone system independently. Approximately 6000-7000 authorized North Carolinians with hearing loss benefit from this service every year, and this service has been in place since the year 2000. The hearing loss population is expected to grow by 41% between 2010 and 2030, so the need for this service continues to grow rapidly.

The rules in 10A NCAC 17 govern the operation of this telecommunications service and have consistently proven to be vital in ensuring efficiency and effectiveness in its operation.

The reason for my request for the waiver is that DSDHH will not be able to meet the filing deadline of February 15, 2016 due to the fact DSDHH has not yet begun the process. Given the critical importance of these rules to the State of North Carolina, it is my sincerest wish to fully participate in the Periodic Review process. However, the Division currently is experiencing a severe staff shortage, particularly at the management/administrative level. One of these positions functions as the Rulemaking Coordinator and has been vacant since the spring of 2015. Given the small size of this Division, delegation of this responsibility is not possible. The State of North Carolina cannot afford the consequences should these rules be deleted.

<http://www.ncdhhs.gov/divisions/dsdhh>

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I sincerely apologize for the delay. Prior to this year, DSDHH has never had to request a waiver. In light of the aforementioned circumstances, I respectfully request an extension of time within which to file the Report and that the deadline for filing be extended to March 2017.

I appreciate your attention to this matter and look forward to hearing from you.

Sincerely,



Jan Withers

cc: Molly Masich, Codifier of Rules
Abigail M. Hammond, Counsel to the Rules Review Commission
Claudia B. Horn, Senior Director for Employment Services, DHHS

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