



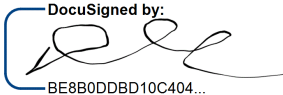
NC DEPARTMENT OF
**HEALTH AND
 HUMAN SERVICES**
 Division of Mental Health, Developmental
 Disabilities and Substance Abuse Services

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
HELEN WOLSTENHOLME • Interim Deputy Secretary for Health
DEEPA AVULA • Director

February 21, 2022

MEMORANDUM

TO: The Commission for Mental Health, Developmental Disabilities
 and Substance Abuse Services

FROM: Deepa Avula 

RE: Request to Renew a Waiver of
 Rules 10A NCAC 27G .0104 and 10A NCAC 28A .0102

Pursuant to Rule 10A NCAC 27G .0806, *Waivers Requested by Division Director*, this is a request for a waiver of Rules 10A NCAC 27G .0104, *Staff Definitions*, and 10A NCAC 28A .0102, *Definitions*.

Session Law 2017-32 required the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission) to amend existing MH/DD/SA rules governing the qualifications for Qualified Professionals to ensure that the years of full-time MH/DD/SA experience may be obtained either before or after obtaining the required educational degree. Rule 10A NCAC 27G .0104 governs the delivery of services in the community setting; 10A NCAC 28A .0102 governs the delivery of services in the state-operated facilities.

During its meeting on August 27, 2020, the Commission approved the Division's request for a waiver of the aforementioned rules to permit the changes implemented via temporary procedures to remain in effect pending the permanent adoption thereof. These rules have been further amended to update definitions impacting service delivery and to ensure consistency with state and federal law. The Division is in the process of updating the fiscal note to reflect these additional amendments.

We are seeking this waiver effective through December 31, 2023 and anticipate this will permit time for the rule changes mandated by S.L. 2017-32 to be implemented via permanent rule action. Please know that a waiver of this rule will not affect or threaten the health, safety and welfare of any consumers. All potential staff will still be subjected to the hiring process including a review of relevant work experience and credentials obtained.

Thank you for your consideration of this request. Please do not hesitate to contact me should you need additional information relative to this matter.

cc: Kody Kinsley (via electronic mail)
 Karen Burkes (via electronic mail)
 Lisa Corbett (via electronic mail)

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

LOCATION: 306 N. Wilmington Street, Bath Building, Raleigh, NC 27601
 MAILING ADDRESS: 3001 Mail Service Center, Raleigh, NC 27699-3001
 www.ncdhhs.gov • TEL: 984-236-5000 • FAX: 919-508-0951

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Jessica Macari (via electronic mail)
W. Denise Baker (via electronic mail)
LME-MCO Directors (via electronic mail)
Mark Payne (via electronic mail)