

SUBCHAPTER 17A – RULEMAKING PROCEDURES

SECTION .0100 – RULEMAKING

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History Note: Authority G.S. 143B-10; 143B-10(1)(2); 143B-10(j)(2);143B-10(j)(3); 143B-216.33(d); 150B-4; 150B-11; 150B-12; 150B-16; 150B-17;150B-20; 150B-21.2; 150B-22;
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Repealed Eff. May 1, 2007.

SUBCHAPTER 17B - ADMINISTRATION

SECTION .0100 - GENERAL

10A NCAC 17B .0101	RELATIONSHIP TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
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History Note: Authority G.S. 143B-216.33;
Eff. October 20, 1979;
Amended Eff. April 1, 1990;
Repealed Eff. May 1, 2007.

10A NCAC 17B .0102	RECEIPT OF MONIES
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History Note: Authority G.S. 143B-216.33(c);
Eff. October 20, 1979;
Amended Eff. April 1, 1990;
Expired Eff. June 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0200 - REGIONAL CENTERS

10A NCAC 17B .0201 FUNCTION AND RESPONSIBILITIES

(a) The purpose of the respective regional centers for the deaf, hard of hearing, and deaf-blind is to promote the accessibility of community services to deaf, hard of hearing, and deaf-blind persons, to inform deaf, hard of hearing, and deaf-blind persons of their right to services offered locally, to advocate for the rights and needs of deaf, hard of hearing, and deaf-blind persons, and to coordinate interpreter services for deaf, hard of hearing, and deaf-blind individuals.

(b) It is the responsibility of the regional centers for the deaf, hard of hearing, and deaf-blind to provide services to such persons without regard to age, income, or employability.

History Note: Authority G.S. 143B-216.33(a)(3);
Eff. October 20, 1979;
Amended Eff. May 1, 2007; April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SUBCHAPTER 17C – INTERPRETER SERVICES

SECTION .0100 – CLASSIFICATION RECORDS

10A NCAC 17C .0101 MAINTENANCE OF CLASSIFICATION RECORDS

The Division shall maintain the records for all interpreters who hold a quality assurance North Carolina Interpreter Classification System level A or B classification in effect on January 1, 2000.

History Note: Authority G.S. 8B-1(3); 8B-6; 90D-7(a)(3)(d); 143B-216.33;
Eff. May 1, 1991;
Amended Eff. May 1, 2007; November 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17C .0102 RECIPROCITY

History Note: Authority G.S.8B-1(3); 8B-6; 90D; 143B-216.33;
Eff. May 1, 1991;
Amended Eff. November 1, 1993;
Repealed Eff. May 1, 2007.

10A NCAC 17C .0103 APPLICABILITY

History Note: Authority G.S.8B-1(3); 8B-6; 90D; 143B-216.33;
Eff. May 1, 1991;
Amended Eff. May 1, 2007;
Expired Eff. June 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 17C .0104 DEFINITIONS

For the purpose of Rules .0101 through .0110 of this Section the following terms shall have the meanings indicated:

- (1) "Classifications" means one of the four levels of skill based on the total score given by the evaluators on the classification test.
- (2) "Division" means the North Carolina Division of Services for the Deaf and the Hard of Hearing.
- (3) "Division Director" means the Director of the North Carolina Division of Services for the Deaf and the Hard of Hearing.
- (4) "N.C.I.C.S." means the North Carolina Interpreter Classification System.
- (5) "N.R.I.D." means the National Registry of Interpreters for the Deaf.
- (6) "Sign Language Interpreter" means a person who performs services for the public in the capacity of an interpreter or transliterator between one or more hearing persons and one or more deaf persons using American Sign Language or manually coded English.
- (7) "Transliterator" means a person who performs services for the public in the capacity of a transliterator between one or more hearing persons and one or more deaf persons using a form of manually coded English.

History Note: Authority G.S. 8B-1(3); 8B-6; 90D; 143B-216.33;
Eff. May 1, 1991;
Amended Eff. May 1, 2007; November 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17C .0105 ELIGIBILITY

10A NCAC 17C .0106 APPLICATION

10A NCAC 17C .0107 CLASSIFICATION TEAM AND EVALUATORS

History Note: Authority G.S. 8B-1(3); 8B-6; 90B; 143B-216.33;
Eff. May 1, 1991;
Amended Eff. November 1, 1993;
Repealed Eff. May 1, 2007.

10A NCAC 17C .0108 CLASSIFICATION AND INTERPRETER DIRECTORY

(a) NCICS-C Classifications levels previously assigned shall remain as follows:

- (1) "Class C" – (Limited), Limited performance competency level, scoring 71 – 80 percent of the total possible points. Limited expressive and receptive skills with specific competency in some areas of interpreting or transliterating.
- (2) "Class B" – (Intermediate), Intermediate performance competency level, scoring 81 – 90 percent of the total possible points. Stronger expressive skills and receptive skills with competency in most areas of interpreting or transliterating.
- (3) "Class A" – (Advanced), Advanced performance competency level, scoring 91 – 100 of the total possible points. Fluent expressive and receptive skills with competency in all areas of interpreting or transliterating.

(b) All candidates holding previous classification levels from the N.C.I.C.S. shall have the option of having their contact information printed in the North Carolina Interpreter Directory. This Directory shall provide a reference for all consumers of interpreters. It shall also be a reference for all agencies who must meet the requirements of hiring only qualified interpreters as set forth in G.S. 90D.

*History Note: Authority G.S. 8B-1(3); 8B-6; 90D-6; 143B-216.33;
Eff. May 1, 1991;
Amended Eff. November 1, 1993;
Amended Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 17C .0109 REVIEW AND APPEAL OF CLASSIFICATION DECISIONS 10A NCAC 17C .0110 CHANGE OF NAME OR ADDRESS OF CLASSIFICATION HOLDERS

*History Note: Authority G.S. 8B-1(3); 8B-6; 90D; 143B-216.33; 150B, Article 3;
Eff. May 1, 1991;
Amended Eff. November 1, 1993;
Repealed Eff. May 1, 2007.*

SECTION .0200 – INTERPRETER SERVICES

10A NCAC 17C .0201 ELIGIBILITY

(a) Persons having a communicative disability resulting from a hearing impairment, including persons having additional handicapping conditions, are eligible for interpreter-related services.

(b) Community agencies and organizations, employers of deaf, hard of hearing, and deaf-blind persons, and family members of deaf, hard of hearing, and deaf-blind persons are eligible for interpreter-related services of the regional centers. Such services may include but are not limited to information, consultation, and sign language instruction.

*History Note: Authority G.S. 143B-216.33;
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 17C .0202 CONTRACTED INTERPRETER SERVICES

Interpreter services may be contracted by the Division of Services for the Deaf and the Hard of Hearing in order to facilitate the delivery of human services to deaf, hard of hearing, and deaf-blind persons. Provision of interpreter services on a contractual basis does not supplant other resources available within the community for which the individual is entitled or may be eligible insofar as such benefits are adequate.

*History Note: Authority G.S. 143B-216.33(a)(3);
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 17C .0203 LICENSURE OF INTERPRETERS

Persons providing interpreter services through the Division of Services for the Deaf and the Hard of Hearing must hold a current license from the North Carolina Interpreter and Transliterater Licensing Board.

History Note: Authority G.S. 90D-4(a); 143B-216.33(a)(8);
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SUBCHAPTER 17D – ASSISTIVE EQUIPMENT DISTRIBUTION

SECTION .0100 – INTERPRETER SERVICES

- 10A NCAC 17D .0101 ELIGIBILITY**
- 10A NCAC 17D .0102 CONTRACTED INTERPRETER SERVICES**
- 10A NCAC 17D .0103 CERTIFICATION OF INTERPRETERS**

History Note: Authority G.S. 8B-1(3); 90D-4; 90D-7; 143B-216.33; 143B-216.33(a)(1)(8); 143B-216.33(a)(8);
143B-216.33(d);
Eff. October 20, 1979;
Amended Eff. April 1, 1990;
Repealed Eff. May 1, 2007.

- 10A NCAC 17D .0104 INTERPRETER SERVICES: JUDICIAL: LEG. AND ADMIN. PROC.**
- 10A NCAC 17D .0105 INTERPRETER APPLICATION: JUDICIAL: LEG. AND ADMIN. PROC.**

History Note: Authority G.S. 8B-1(3); 143B-216.33(a)(1)(8); 143B-216.33 (a)(8);
Eff. July 1, 1983;
Amended Eff. April 1, 1990;
Repealed Eff. May 1, 2007.

SECTION .0200 – TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

- 10A NCAC 17D .0201 PURPOSE OF RULES**

History Note: Authority G.S. 143B-216.5A; 143B-216.5B;
Eff. December 1, 1988;
Repealed Eff. April 1, 1990.

- 10A NCAC 17D .0202 DEFINITIONS**

The definitions of the terms defined in G.S. 143B-216.30 apply to all the rules in this Section. In addition, the following terms have the meaning specified in this Rule, except where the context clearly indicates a different meaning:

- (1) "Applicant" means an individual who applies for equipment from the Telecommunications Equipment Distribution Program.
- (2) "Deaf" means the same as set forth in G.S. 143B-216.30.
- (3) "Deaf-blind person" means a deaf person who is also certified as legally blind.
- (4) "Division" means the North Carolina Division of Services for the Deaf and the Hard of Hearing of the Department of Health and Human Services or its staff.
- (5) "Equipment set" means any one or more of the following:
 - (a) ring signaling device as defined in this Rule;
 - (b) telebraille device as defined in this Rule;
 - (c) telecommunications device for the deaf, hard of hearing, or speech-impaired, or TDD, defined as a keyboard mechanism attached to or in place of a standard telephone by some coupling device, used to transmit or receive signals through telephone lines;

- (d) volume control handset defined as a telephone handset or other telephone listening device which has an adjustable control for increasing the volume of the sound being produced by the telephone receiving unit; or
- (e) any other equipment, component, or accessories, excluding computers, designed to give deaf, hard of hearing, deaf-blind, and speech-impaired individuals telephone access.
- (6) "Hard of hearing" means having permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication. The term "hard of hearing" may be substituted for the term "hearing impaired" as used elsewhere within these Rules.
- (7) "Program" means the North Carolina Division of Services for the Deaf and the Hard of Hearing Telecommunications Equipment Distribution Program, by which the Division provides equipment sets capable of serving the needs of deaf, hard of hearing, deaf-blind, and speech-impaired individuals as required under G.S. 143B-216.34.
- (8) "Recipient" means the user of the equipment set or the parent, person standing in loco parentis, or legal guardian of a minor user who is under 18 years of age.
- (9) "Regional center" means one of several centers located throughout North Carolina, each of which serves deaf, hard of hearing, and deaf-blind individuals within a defined region, and which is operated by the Division of Services for the Deaf and Hard of Hearing.
- (10) "Ring Signaling Device" means a mechanism such as a flashing light which visually or tactilely indicates that a communication is being received through a telephone line. This phrase also means a mechanism such as adjustable volume ringers and buzzers which audibly and loudly indicate an incoming telephone communication.
- (11) "Subscriber unit" means a single dwelling which receives basic telephone service and is subject to a monthly service charge for each access line.
- (12) "TEDP" means the Telecommunications Equipment Distribution Program administered by the Division of Services for the Deaf and the Hard of Hearing.
- (13) "Telebraille device" means a TDD which has a modem connected to a braille machine which prints out embossed braille characters on a paper roll for a deaf-blind person to read.
- (14) "User" means a deaf, hard of hearing, or speech-impaired person or deaf-blind person within a subscriber unit for whose use the equipment set is provided. There may be multiple users in a subscriber unit, including users with different disabilities who require different equipment to best serve their needs.

History Note: Authority G.S. 62-157; 143B-216.30;
 Eff. December 1, 1988;
 Amended Eff. May 1, 2007; April 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0203 DIVISION RESPONSIBILITIES

History Note: Authority G.S. 62-157; 143B-216.34;
 Eff. December 1, 1988;
 Amended Eff. May 1, 2007; April 1, 1990;
 Expired Eff. June 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 17D .0204 INFORMATION CONCERNING THE PROGRAM

Organizations serving the deaf, hard of hearing, deaf-blind, and speech impaired; publishers of newsletters for these groups; and individuals who wish to receive written information regarding the program shall contact the Division and request that their names be placed on a mailing list to receive such information.

History Note: Authority G.S. 143B-216.33;
 Eff. December 1, 1988;
 Amended Eff. May 1, 2007; April 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0205 APPLICATION INFORMATION AND PROCEDURES

(a) Any person interested in receiving an equipment set from the Program may request an application packet by calling or writing the Division at the Division Central Office, or by requesting one from any of the regional centers or downloading one from the Division website. The application packet shall include:

- (1) instructions for submitting reports and statements certifying that the applicant is deaf, hard of hearing, speech-impaired, or deaf-blind;
- (2) a Conditions of Acceptance form for the recipient to sign indicating that the recipient understands and agrees to the rights and responsibilities of the recipient and desires services of the program. This form includes information for recipients acting for minor users to sign indicating their agreement that equipment sets received under this program may be transferred to the user upon the user's 18th birthday at the request of the minor user; and
- (3) an application form calling for the following information:
 - (A) the full name, address, date of birth, and occupation of the recipient and all users of the equipment set;
 - (B) telephone number of the recipient;
 - (C) personal and financial information regarding all family members necessary to determine financial eligibility according to the provisions of Rule .0210 of this Section;
 - (D) copies of documentation required in Rule .0206 of this Section; and
 - (E) the disability status of the applicant or the intended user.

(b) To apply for equipment from the TEDP, an eligible applicant must:

- (1) answer all of the questions on the application form, sign it, and date it;
- (2) make a copy of an item from Rule .0206(b)(1) offering proof of residence in North Carolina to include with the application;
- (3) make a copy of an item from Rule .0206(c) offering proof of household income to include with the application;
- (4) read the Conditions of Acceptance form, sign and date the form, and include it with the application;
- (5) give the Disability Determination form to a certified person listed in Rule .0206(b)(2) to fill out;
- (6) read the Equipment Selection form, select the equipment that best fits the applicant's need, and include it with the application;
- (7) submit the "Certification of Telecoil Candidacy and Hearing Aid Model Selection" form if applying for a hearing aid; and
- (8) submit a written equipment recommendation from a licensed speech and language pathologist, or individual who is exempt from licensure as a speech and language pathologist by G.S. 90-294, applying for equipment for a speech impairment.

(c) Providing false or misleading information on the application shall subject any applicant selected as a recipient to forfeiture of any equipment set provided.

(d) The regional centers shall provide assistance in completing application forms upon request.

(e) Applicants shall complete and sign all forms, attach all necessary documentation, and mail the completed application packet to the address specified on the application.

(f) The Division shall determine an applicant's eligibility within 60 days following receipt of the completed application; except if the Division cannot determine eligibility within 60 days, it shall inform the applicant in writing as soon as possible within the 60-day period indicating the problem and solicit clarification and additional information in order to determine the applicant's eligibility.

History Note: Authority G.S. 62-157; 143B-216.34;

Eff. December 1, 1988;

Amended Eff. December 1, 2009; May 1, 2008; May 1, 2007; April 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0206 ELIGIBILITY

(a) The Division shall distribute equipment sets to eligible recipients within the limits of available funding.

(b) To be eligible for equipment from the TEDP, an individual must meet the following criteria:

- (1) be a resident of North Carolina as defined in Rule .0209 of this Section; an individual can document residency by submitting a copy of one of the following items that shows the individual's name and address:
 - (A) A document issued by an agency of the United States;

- (B) A document issued by another state;
 - (C) A document issued by the State of North Carolina, or a political subdivision of the State;
 - (D) A preprinted bank or other corporate statement;
 - (E) A preprinted business letterhead; or
 - (F) Any other document that the Division determines provides equivalent reliability;
- (2) be certified as deaf, hard of hearing, deaf-blind, or speech-impaired. An individual must submit a Disability Determination form certified by one of the following:
- (A) a licensed hearing-aid dealer and fitter as defined in G.S. 93D;
 - (B) a licensed audiologist or individual who is exempt from the licensure requirements in G.S. 90-294;
 - (C) a licensed physician as defined in G.S. 90, Article 1;
 - (D) a licensed speech and language pathologist;
 - (E) a state certified individual licensed as teacher of the deaf and hard of hearing by the North Carolina Department of Public Instruction; or
 - (F) an employee of the Department of Health and Human Services that the Division assigns to certify disability for purposes of the Program;
- (3) not have another person with a similar disability from the same household receive similar equipment from TEDP. Those applying for hearing aids are exempt from this requirement; and
- (4) be in a family whose income, based on family size, is at or below 250 percent of the Poverty Guidelines in effect on the date of application. The Poverty Guidelines are published annually by the United States Department of Health and Human Services and are hereby incorporated by reference including subsequent amendments and editions. Copies can be obtained from <http://aspe.hhs.gov/poverty/09poverty.shtml> at no cost.
- (c) An applicant who does not qualify under Rule .0210(b) of this Section may show proof of income by submitting a copy of any of the following for each source of income within the household:
- (1) the most recent document such as Form W-2, Form 1099, or pay stub prepared by an employer, bank or other entity responsible for reporting wages or earnings;
 - (2) a letter from an employer on business letterhead stating gross income;
 - (3) the most recent state or federal income tax return;
 - (4) a document issued by an agency of the United States, the State of North Carolina, or other state; or
 - (5) any other document that the Division determines provides equivalent reliability.
- (d) There is no age limit to be eligible for equipment. An individual may apply for himself/herself or for a child or dependent adult who lives in the same household.

History Note: Authority G.S. 62-157; 143B-216.33; 143B-216.34;
 Eff. December 1, 1988;
 Amended Eff. December 1, 2009; May 1, 2008; May 1, 2007; April 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0207 CERTIFICATION OF IMPAIRMENT

- (a) A prospective user shall be certified as deaf, hard of hearing, speech impaired, or deaf-blind to be eligible to receive an equipment set.
- (b) To be certified a recipient shall submit a Disability Determination form with the application. The Disability Determination form shall be completed by an individual listed in Rule .0206(b)(2) of this Section.

History Note: Authority G.S. 62-157; 143B-216.33(a)(7),(d); 143B-216.33.
 Eff. December 1, 1988;
 Amended Eff. November 1, 2009; May 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0208 AGE REQUIREMENTS

There is no age limit. An individual can apply for himself/herself or for a minor child under age 18 or a dependent adult who lives in the same household.

History Note: Authority G.S. 62-157; 143B-216.33(a)(7),(d);

Eff. December 1, 1988;
Amended Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0209 RESIDENCY REQUIREMENTS

- (a) An applicant shall be a permanent legal resident of the State of North Carolina to be eligible to receive an equipment set.
- (b) To be permanent legal residents of North Carolina, applicants shall not only live in the state, but also have the intention of making their permanent home in this state to which, whenever absent, they intend to return.
- (c) Unemancipated minors have the residency of their parents, person standing in loco parentis, or if the parents are separated or divorced, the residency of the parent with legal custody. For purposes of this Rule, "person standing in loco parentis" refers to one who has put himself or herself in the place of a lawful parent by assuming the rights and obligations of a parent without formal adoption.
- (d) Residence continues until a new one is acquired. When a new residence is acquired, all former residences terminate.

History Note: Authority G.S. 62-157; 143B-216.34;
Eff. December 1, 1988;
Amended Eff. May 1, 2007; April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0210 FINANCIAL ELIGIBILITY

- (a) An applicant for an equipment set shall meet the financial needs test of this Rule.
- (b) Applicants for an equipment set who are recipients of Work First, SSI, CSHS (Children's Special Health Services), Medicaid, Health Choice for Children, Section 8 Housing Choice Vouchers, or the Food Stamp Program automatically meet the financial needs test upon submission of a document issued by the State of North Carolina or political subdivision of the State or an agency of the United States or any other document that the Division determines provides equivalent reliability that shows participation in one of the programs.
- (c) Family income limits for applicants not included under (b) of this Rule are described in Rule .0206(b)(4) of this Section.
- (d) An applicant's family include the user and the following persons living in the same household as the user if the user is 18 years of age or older or if the user is less than 18 years of age and is married:
 - (1) the user's spouse;
 - (2) the user's children, including step-children, under 18 years of age;
 - (3) other individuals related to the user by blood or marriage who are under 18 years of age and do not have a parent or spouse living in the same household; and
 - (4) the user's children or step-children of any age who are living at home or temporarily living away from the household while attending school if they are being claimed as dependents by the user for federal tax purposes.
- (e) An applicant's family include the user and the following persons living in the same household as the user if the user is less than 18 years of age and is not married:
 - (1) the user's parents, including step-parents;
 - (2) siblings, half-siblings, and step-siblings of the user if the siblings are less than 18 years of age;
 - (3) siblings, half-siblings, and step-siblings of the user who are living at home or temporarily living away from the household while attending school, if they are being claimed as dependents by the user's parents for federal tax purposes and the parents are living in the same household as the user; and
 - (4) other individuals related to the user by blood or marriage who are under 18 years of age and do not have a parent or spouse living in the same household.
- (f) Monthly income of the family members shall be considered in the financial needs test. Income includes the following:
 - (1) gross salaries and wages;
 - (2) adjusted gross earnings from self-employment, except for income that children may earn from babysitting, lawn mowing, or other miscellaneous tasks. Adjusted gross income is calculated by subtracting the operational expenses from the gross receipts of the business in the time period described in Paragraph (h) of this Rule. Any salary or disbursements made to the individual from his business are disregarded in calculating adjusted gross earnings from self-employment;
 - (3) unemployment compensation;

- (4) Social Security benefits;
- (5) Veteran's Administration benefits;
- (6) retirement and pension payments;
- (7) worker's compensation payments;
- (8) alimony;
- (9) child support;
- (10) tobacco buyout payments;
- (11) On-the-job training (OJT);
- (12) AmeriCorps stipends;
- (13) Armed Forces pay;
- (14) work release payments;
- (15) rental income;
- (16) annuities; and
- (17) Cherokee Tribal Per Capita Income paid to adult family members.

(g) The following shall be excluded in the computation of monthly income:

- (1) benefits from any program listed in Paragraph (b) of this Rule;
- (2) adoption or foster care payments;
- (3) income from sale of personal assets;
- (4) loans;
- (5) tax refunds; and
- (6) earned income tax credits.

(h) The time period to be used as the basis for computing monthly income is the month preceding the date of application. For income that is not received on a monthly basis, the monthly pro rata share of the most recent receipt of the income shall be included in the computation.

*History Note: Authority G.S. 62-157; 143B-216.33; 143B-216.34.
Eff. December 1, 1988;
Amended Eff. November 1, 2009; May 1, 2008; May 1, 2007; April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 17D .0211 ELIGIBILITY FOR REAPPLICATION

(a) Recipients may retain equipment for six years or have equipment replaced earlier if his/her disability progresses to the point where different equipment may be necessary or if the equipment exceeds its standard lifespan and is no longer functioning, after which the recipient must reapply and meet current eligibility requirements.

(b) If a recipient fails to maintain equipment as set out in Rule .0214 of this Section, the recipient is not eligible for replacement equipment. The Division staff shall verify that the equipment did not fail or expire due to misuse or abuse.

*History Note: Authority G.S. 62-157; 143B-216.33(a)(7),(d);
Eff. December 1, 1988;
Amended Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 17D .0212 PROVISION OF EQUIPMENT SETS

(a) Only one equipment set shall be provided per subscriber unit that is the permanent, legal residence of one or more deaf, hard of hearing, speech-impaired, or deaf-blind eligible users. In the event that two or more recipients share a common, permanent, legal residence constituting a subscriber unit, equipment in excess of one equipment set shall be returned to the local regional center unless the recipients have different disabilities that necessitate the use of different kinds of equipment.

(b) The equipment set shall be granted in the name of the recipient. There shall be only one recipient per equipment set per subscriber unit, but there may be multiple users per subscriber unit. Recipient status shall be granted to an adult user within the subscriber unit. In the absence of an adult user within the subscriber unit, recipient status shall be granted to the parent, person standing in loco parentis, or legal guardian residing with a minor user in the subscriber unit.

*History Note: Authority G.S. 62-157; 143B-216.33(a)(7),(d);
Eff. December 1, 1988;*

Amended Eff. May 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0213 OWNERSHIP: LEASE: LIABILITIES

(a) All equipment sets distributed according to the rules in this Section shall remain the property of the State of North Carolina. Each recipient shall sign a form indicating he or she understands and accepts the requirements of the lease agreement regarding ownership, liability, and responsibilities.

(b) Contingent upon the recipient's compliance with applicable lease, eligibility and maintenance requirements, all equipment sets shall be leased free of charge. At the end of the lease period, the equipment set shall be returned to the nearest regional center for a visual check and records update.

(c) Equipment sets shall not be sold, loaned, or otherwise transferred from the possession of the original recipient. Transfers shall subject the recipient to liability for the full replacement cost of the equipment set.

History Note: Authority G.S. 62-157; 143B-216.34;

Eff. December 1, 1988;

Amended Eff. May 1, 2007; April 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0214 TELEPHONE BILLS: MAINTENANCE: REPORTING LOSS, DAMAGE, OR THEFT

(a) The recipient shall be responsible for the payment for all telephone services incurred with the use of the equipment set.

(b) All equipment sets are property of the state of North Carolina. The recipient should never sell, loan, or transfer the equipment set out of the recipient's possession. Selling, loaning, or transferring the equipment set makes the recipient liable for all costs to replace the equipment.

(c) All ordinary expense of maintenance and repair of the equipment set shall be the responsibility of the recipient. If the equipment set has a warranty, the conditions of the warranty shall be between the vendor and the recipient. If an equipment set is damaged, lost, or destroyed due to negligence of the recipient and not due to ordinary wear and tear, the recipient shall be held responsible for the cost of replacing the lost or destroyed equipment set or restoring the damaged equipment set to its original condition.

(d) The recipient shall immediately inform the regional resource center if the equipment is lost, stolen, or damaged. If equipment is stolen, the recipient shall report the theft to the local police and give the police report number to the regional resource center within 30 days of the date the theft occurred. The Division may send the recipient replacement equipment after it receives the police report. If the equipment is damaged by a weather-related situation such as lightning, flooding, or a tornado or by fire, the recipient shall notify the regional center and, if possible, send the damaged equipment and other pieces of supporting evidence to the regional center for verification that the equipment was damaged in any of the above-described manner. The Division will send the recipient a replacement equipment set.

History Note: Authority G.S. 62-157; 143B-216.34;

Eff. December 1, 1988;

Amended Eff. May 1, 2007; April 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0215 RELOCATION OR DEATH OF RECIPIENTS

(a) If a recipient permanently relocates outside of North Carolina, the recipient shall give the Division written notice and return the equipment set to the nearest regional center prior to the move. If a recipient dies, written notice shall be given by the deceased's estate and the equipment set returned to the nearest regional center within 30 days after the recipient's death.

(b) If there are other users residing within a subscriber unit where the recipient dies or relocates outside of North Carolina, one of the users shall apply for recipient status according to the procedures specified in Rule .0205 of this Section within 10 days after the original recipient dies or relocates.

(c) If a recipient relocates within North Carolina, the recipient shall give the Division written notice of the new address within 30 days after moving. If the recipient's phone number changes, the recipient must notify the Division within 30 days of the change.

(d) The equipment set shall be returned to the regional center if all users permanently depart from the subscriber unit.

History Note: Authority G.S. 62-157; 143B-216.34;
Eff. December 1, 1988;
Amended Eff. May 1, 2007; April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0216 TRANSFER TO MINOR USERS

In cases where the recipient is not a user but the parent, person standing in loco parentis, or legal guardian of a minor user, the recipient shall give the Division written notice when the minor user becomes 18 years of age. The equipment set may be transferred to the minor user upon receipt of a written request for transfer from the minor and receipt of all appropriate, signed responsibility forms. The Division may make the transfer by adjusting the records to reflect the proper recipient of the unit.

History Note: Authority G.S. 143B-216.34;
Eff. December 1, 1988;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0217 REPORTS FROM LOCAL AGENCIES

History Note: Authority G.S. 143B-216.34;
Eff. December 1, 1988;
Amended Eff. April 1, 1990;
Repealed Eff. November 1, 2011.

10A NCAC 17D .0218 WAIVER OF RULES

History Note: Authority G.S. 143B-216.5B;
Eff. December 1, 1988;
Repealed Eff. April 1, 1990.

10A NCAC 17D .0219 MAINTENANCE OF EQUIPMENT RECORDS

The vendors must submit a state authorization form to the TEDP office along with the invoices for payments.

History Note: Authority G.S. 62-157;
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0220 RIGHTS/CONSUMER APPEALS

Applicants whose application for telecommunications equipment has been denied by the TEDP may file an appeal using the following procedure for consumer appeals:

- (1) Ask any Division staff member for a TEDP Appeal of Decision to Deny Request for Telecommunications Equipment Form. This form may be obtained from any of the Division's regional resource centers throughout North Carolina or from the TEDP Administration Office of the Division in Raleigh;
- (2) This form must contain an explanation of the reasons for the appeal and must be submitted to the TEDP Coordinator within 30 days of the rejection letter;
- (3) The TEDP Coordinator shall review the appeal and render a decision within two weeks after receiving the formal appeal;
- (4) The Division shall notify the individual appealing the decision, in writing, within five working days of the TEDP Coordinator's decision;
- (5) Appeal of the TEDP Coordinator's decision may be made in writing to the Director of the Division within two weeks after notification of the TEDP Coordinator's decision;
- (6) The Director of the Division shall review the appeal and render a final decision within two weeks after notification of appeal to the Division Director;

- (7) The individual submitting the appeal may pursue further appeal by writing to the Director and requesting an Independent Hearing Officer (IHO);
- (8) The decision of the IHO may be appealed to the Department of Health and Human Services (DHHS); and
- (9) Appeal of a DHHS decision may be pursued through the Office of Administrative Hearings (OAH).

History Note: Authority G.S. 62-157; 143B-216.34;
Eff. May 1, 2007;
Amended Eff. May 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0300 – TEMPORARY LOAN PROGRAM

10A NCAC 17D .0301 PURPOSE

The Division of Services for the Deaf and Hard of Hearing administers a Temporary Loan Program to provide equipment sets, including equipment sets from the North Carolina Telecommunications Equipment Distribution Program, to qualified recipients who are deaf, hard of hearing, deaf-blind, or speech-impaired.

History Note: Authority G.S. 143B-216.34;
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0302 ELIGIBILITY REQUIREMENTS

Individuals eligible to participate in the Temporary Loan Program must be deaf, hard of hearing, deaf-blind, or speech-impaired. There are no income requirements. However, an applicant of the Telecommunications Equipment Distribution Program whose equipment set breaks shall receive priority over those individuals who have not applied for equipment from the Telecommunications Equipment Distribution Program.

History Note: Authority G.S. 143B-216.34;
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0303 LOAN PERIOD, LEASE, AND LIABILITIES

- (a) All equipment sets distributed according to the rules in this Section shall remain the property of the State of North Carolina. Each recipient shall sign a form indicating he or she understands and accepts the requirements of the lease agreement regarding ownership, liability, and responsibilities.
- (b) Contingent upon the recipient's compliance with the rules in this Section, all equipment sets shall be leased free of charge to the recipient for a period ranging from one month to two years, depending on the recipient's need. The agreement form between the recipient and the regional center shall specify the loan period. At the end of the loan period, the equipment set shall be returned to the nearest regional center.
- (c) A recipient must report changes in his/her address or phone number to the regional center within 30 days of the changes.
- (d) Equipment sets are property of the state of North Carolina. The recipient shall not sell, loan, or otherwise transfer the equipment set out of the recipient's possession. Selling, loaning, or transferring the equipment set makes the recipient liable for all costs to replace the equipment.

History Note: Authority G.S. 143B-216.34;
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 17D .0304 MAINTENANCE: REPORTING LOSS, DAMAGE, OR THEFT

- (a) The recipient shall be responsible for the payment for all telephone services incurred with the use of the equipment set.
- (b) All ordinary expense of maintenance and repair of the equipment set shall be the responsibility of the recipient. If an equipment set is damaged, lost, or destroyed due to negligence of the recipient and not due to ordinary wear and tear, the

recipient shall be held responsible for the cost of replacing the lost or destroyed equipment set or restoring the damaged equipment set to its original condition.

(c) The recipient shall immediately inform the regional center if the equipment is lost, stolen, or damaged. If equipment is stolen, the recipient shall report the theft to the local police and give the police report number to the regional center within 30 days of the date the theft occurred. The Division may send the recipient replacement equipment after it receives the police report. If the equipment is damaged by a weather-related situation such as lightning, flooding, or a tornado or by fire, the recipient shall notify the regional center and, if possible, send the damaged equipment to the regional center for verification that the equipment is damaged. The Division will send the recipient a replacement equipment set.

History Note: Authority G.S. 143B-216.34;

Eff. May 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.