



STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

June 3, 2020

MEMORANDUM

FROM: Mandy K. Cohen, MD, MPH
Secretary

A handwritten signature in blue ink that reads "Mandy K. Cohen".

RE: DELEGATION OF AUTHORITY

As Secretary of the North Carolina Department of Health and Human Services ("DHHS") I have been delegated authority by the Governor to waive or modify certain regulations and requirements during the State of Emergency declared on March 10, 2020 due to the COVID-19 pandemic.

Executive Orders 130 and 139 provide specific delegations of authority to me as Secretary that pertain to multiple Divisions within DHHS. After careful consideration and based on the expertise of leadership, I hereby delegate to Assistant Secretary Mark Benton the authority to perform the actions outlined below. Assistant Secretary Benton will consult with executive leadership of the Division of Public Health to implement these waivers and will document such waivers so that any waivers of regulations can be reported to the Office of the Governor and the Codifier of Rules.

Division of Public Health

1. Under Executive Order 130, the Secretary of DHHS is delegated the authority to:
 - a. Waive or modify, in order to provide necessary relief to restaurants continuing to provide carry-out, delivery, and drive-through services, the expiration date of transitional food establishment permits under 15A NCAC 18A .2659(b) issued from January 1, 2020 to June 30, 2020 for 180 days;
 - b. Waive or modify, in order to ensure there are sufficient analysts permitted to conduct breath alcohol tests, the expiration of analyst permits under 10A NCAC 41B .0302(a) otherwise set to expire from March 10, 2020 to June 30, 2020 for twelve (12) months;
 - c. Waive or modify enforcement of any regulations that are related to the provisions listed above; and
 - d. Reimpose any regulations related to the provisions listed above for which the Secretary has waived or modified enforcement.
2. Under Executive Order 139, the Secretary of DHHS is delegated the authority related to asbestos and lead professionals to:

- a. Waive or modify enforcement of the expiration date of asbestos accreditations under 10A NCAC 41C .0602(e), to the extent necessary to ensure that there are sufficient accredited asbestos professionals to perform asbestos management work in North Carolina. Accreditations otherwise set to expire during the State of Emergency may be extended for up to sixty (60) days following the end of the State of Emergency;
 - b. Waive or modify enforcement of the expiration dates of lead abatement certifications under 10A NCAC 41C .0802(e), dust sampling technician certifications under 10A NCAC 41C .0902(c)(3)-(4), and recertification requirements under 10A NCAC 41C .0902(d), to the extent necessary to ensure that there are sufficient accredited professionals to conduct lead abatement, dust sampling, and renovation work in North Carolina. Certifications otherwise set to expire during the State of Emergency may be extended for up to sixty (60) days following the end of the State of Emergency; and
 - c. Reimpose any regulations related to the provisions listed above for which the Secretary has waived or modified enforcement.
3. Under Executive Order 139, the Secretary of DHHS is delegated the authority related to local public health to:
- a. Waive or modify enforcement of local health department mandated services requirements under 10A NCAC 46 .0200 and extend the time period for public health nurses to complete training sponsored by the North Carolina Department of Health and Human Services ("NCDHHS") under 10A NCAC 46 .0301(2)(b), upon finding that a waiver or modification of enforcement will provide necessary relief to local health departments responding to the COVID-19 pandemic and will not endanger public health. Waivers, modifications, and extensions related to this provision may remain in place for up to sixty (60) days following the end of the State of Emergency;
 - b. Waive or modify enforcement of NCGS § 130A-34.4(a) to the extent necessary to ensure that conditionally accredited local health departments continue to be eligible to receive public health funding from the Division of Public Health, upon finding that a waiver or modification of enforcement will provide necessary relief to local health departments responding to the COVID-19 pandemic and will not endanger public health. Waivers, modifications, and extensions related to this provision may remain in place for up to sixty (60) days following the end of the State of Emergency; and
 - c. Reimpose any regulations related to the provisions listed above for which the Secretary has waived or modified enforcement.
4. Waivers or modifications previously issued under Executive Order No. 119, Subsection 1(2) shall continue in effect for the time period listed in those previously issued waivers, including the waiver I issued on April 15, 2020.