

DHHS Directive Number II-21

Title: Delegation of Authority to the Director, Division of Medical Assistance
Effective Date: November 3, 2008
Revision History: January 1, 2003; January 1, 2002
Authority: G.S.143B-10; G.S. 108A-79; 10 NCAC 26G

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 Medical Assistance. These authorities are delegated under the supervision of the Assistant Secretary for Health Policy and the Director shall report to the Secretary through the Assistant Secretary for Health Policy.

Delegation of Authority

As provided in G.S. 143B-10(a), the Secretary of the DHHS delegates the following functions concerning management and administration to the Director of the Division of Medical Assistance, subject to state and departmental policy:

1. The functions of management, related to the Division of Medical Assistance, as defined in G.S. 143B-10, which include: planning, organizing, staffing, directing, coordinating, 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. Authority to set rates for services and fees for services subject to approval of the DHHS Rate Review Board and,
 - B. Medicaid appeals arising from G. S. 108A-79, except for recipient appeals.
3. Serve as a member of the DHHS Rate Setting Review Board.

4. The authority to make final decisions on behalf of the Secretary, through the Assistant Secretary for DHHS, in request for executive review arising pursuant to 10 NCAC 26G.
5. Subject to review and approval by the Secretary, through the Assistant Secretary for Health Policy, all rules related to the administration of Titles XIX and XXI, which will include eligibility, reimbursement methods, program expansions and limitations and relevant appeals.
6. Subject to review and approval by the Secretary, through the Assistant Secretary for Health Policy, submission of state plan amendments, submission of advanced planning documents for technology and related services, major vendor contracts and all legislative proposals.
7. 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.
8. 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 the Division of Medical Assistance, 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