

DHHS Directive Number II-30

Title: Delegation of Authority to the Director, Division of Aging and Adult Services
Effective Date: November 3, 2008
Revision History: January 1, 2002
Authority: G.S. 143B-10

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 Aging and Adult Services. These authorities are delegated under the supervision of the Assistant Secretary for Long Term Care and Family Services and the Director shall report to the Secretary through the Assistant Secretary for Long Term Care and Family Services.

Delegation of Authority

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

1. The functions of management related to the Division of Aging and Adult Services: as defined in G.S. 143B-10, which include: planning, organizing, staffing, directing, coordinating, reporting and budgeting for the division.
2. The management and rulemaking authority (in coordination with the General Counsel) to develop and carry out programs.
3. Providing management and clerical support services to the Governor's Advisory Council on Aging (G.S. 143B-14(a) and (d); G.S. 143B-181.1) and to the NC Senior Tar Heel Legislature (G.S. 143B-181.1(12)).
4. The authority to appoint a hearing officer to hear appeals of administrative decisions and make decisions in those cases regarding any law, rule or policy enforced by the division, under administrative procedures set forth in G.S. 150B. However, if the initial administrative decision, which is the subject matter of the

- appeal, was rendered by the Director, a hearing officer shall be appointed to ensure compliance with statutes and rules. The hearing officer shall then make the final agency decision.
5. 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.
 6. 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 Aging and Adult Services, 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