

DHHS Directive Number II-32

Title: Delegation of Authority to the Director, Division of Social 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 Social 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 Social Services, subject to state and departmental policy:

1. The functions of management, related to the Division of Social 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 Office of the General Counsel) to develop and carry out programs, including, but not limited to:
 - A. The provision of administrative and management services to the Social Services Commission and its members (G.S. 143B-14(a) and (d));
 - B. Supervision of county boards of social services (G.S. 108A-1);
 - C. Supervision of county-administered public assistance programs (G.S. 108A-25): (1) Work First; (2) State/County Special Assistance to Adults; (3) Food Stamp Program; (4) Foster care and adoption assistance payments; and (5) Low income energy assistance;

- D. Supervision of county-administered grants-in-aid for social services programs allocated to the division from sources defined in G.S. 108A-71. These include grants under the Social Security Act, other federal laws or regulations, state appropriations and other non-federal sources;
 - E. Administration of the Interstate Compact on the Placement of Children (G.S. 7B, Article 38);
 - F. Administration of the Child Support Enforcement Program (G.S. 110, Article 9);
 - G. Responsibility for the administration of the state's Refugee Resettlement Program in accordance with P.L. 96.212 and 45 CFR Part 400; and
 - H. Responsibility for major functional areas of the Social Services Block Grant (Title XX of the Social Security Act) and the Temporary Assistance for Needy Families TANF) Block Grant including, but not limited to:
 - 1. Planning - to develop and amend, as necessary, the Social Services Block Grant Plan consistent with applicable federal law and regulations;
 - 2. Policy - to develop policy generally applicable to all programs and assure that appropriate agencies at the state and local levels have an opportunity to provide input;
 - 3. Fiscal Management - to allocate funds and make reimbursements to divisions and office within the department and to monitor expenditures, develop fiscal policies and prepare estimated and actual expenditures;
 - 4. Monitoring - to develop monitoring standards by which divisions and offices in the division will monitor their own programs and contracts; and
 - 5. Reporting - to prepare appropriate internal reports for management and the required federal social services and expenditure reports.
- 3. Hearing and Appeals Authority to make final decisions on behalf of the Secretary in public assistance recipient appeals (G.S. 108A-79). The Director is authorized to further delegate this authority to the Chief Hearing Officer of the Division.
 - 4. Licensure of maternity homes under G.S. 131D-1 and child-placing and child-care facilities under G.S. 131D, Article 1A. This responsibility includes the obligation to determine if any person, program or facility is subject to licensure and to seek legal remedies to restrain persons from operating a facility without a license or in a manner that threatens the health, safety or welfare of the individuals in the facility; issuance of licenses; enforcement of rules; denial, suspension or termination of licenses; and the Division Director is delegated the authority to make final decisions in contested case hearings of adverse licensure actions. The Division Director is delegated the authority to appoint a hearing officer and to ensure that all applicable provisions of the Administrative Procedure Act, G.S. Chapter 150B are met.

5. Declaratory Rulings concerning the validity or applicability of any rule which has been adopted by the Division Director, the Social Services Commission (except rules relating to local confinement facilities, which is the responsibility of the Director of Division of Health Service Regulation) or the applicability to a given state of facts of any statute, rule, or order administered by the division unless otherwise specified by statute or rule. (G.S. 150B-17).
6. 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.
7. 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 Social 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