

DHHS Directive Number II-3

Title: Delegation of Authority to the Assistant Secretary for Long Term Care and Family 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 Assistant Secretary for Long Term Care and Family Services. The Assistant Secretary for Long Term Care and Family Services shall have responsibilities for the department's family support agencies which include the Divisions of Social Services, Child Development, Aging and Adult Services, Services for the Blind, Services for the Deaf and Hard of Hearing, Vocational Rehabilitation Services, the Office of Education Services, the Office of Economic Opportunity and the Council on Developmental Disabilities.

Delegation of Authority

The powers and duties vested in the Secretary of the DHHS in G.S. 143B-10(a), (c), and (e) are delegated to the Assistant Secretary for Long Term Care and Family Services with respect to the department's health agencies, in accordance with the guidelines set forth below:

1. The budget documents for the department's family support agencies which are prepared in accordance with G.S. 143B-10(g), and which shall include continuation, expansion and supplemental budgets, shall be approved by the Assistant Secretary for Long Term Care and Family Services prior to submission to the Secretary or the Secretary's designee for final departmental review and approval.
2. The Assistant Secretary for Long Term Care and Family Services shall have authority to make necessary changes, modifications, alterations, etc., to the Certified Budget of the Department's family support agencies as required by the Secretary or the Secretary's designee to meet departmental budget demands.

3. In consultation with the Secretary, authority is delegated to the Assistant Secretary for Long Term Care and Family Services for approval of the hiring and removal of staff within the Department's family support agencies. In the execution of a Reduction In Force, the determination of positions to be eliminated or reallocated, including both filled and vacant positions, shall be approved by the Assistant Secretary for Long Term Care and Family Services prior to submission to the Secretary or the Secretary's designee for final departmental review and approval.
4. When deemed an administrative emergency by the Secretary, such as a fiscal crisis, the Assistant Secretary for Long Term Care and Family Services may pursue avenues of relief among the department's family support agencies including the adoption, amendment, or repeal of rules, contracting and any other alternative actions deemed necessary and appropriate to address the crisis, subject to submission to the Secretary or the Secretary's designee for final departmental review and approval.
5. In addition to the responsibilities specified above relating to the department's family support agencies, the Assistant Secretary for Long Term Care and Family Services shall coordinate all departmental activities, regardless of departmental divisions or agencies involved, related to long term care and the Olmstead decision. The Assistant Secretary for Long Term Care and Family Services shall consult with the Assistant Secretary for Health on long term care and Olmstead issues concerning the department's health agencies and the Deputy Secretary on issues concerning the department's operational support agencies.
6. The Assistant Secretary for Long Term Care and Family Services shall chair a Long Term Care Cabinet, which shall include the Secretary, the Deputy Secretary, the Assistant Secretary for Health, and the division directors of all divisions which impact long term care policy in NC. The Assistant Secretary for Long Term Care and Family Services shall be responsible for the development, implementation, and monitoring of long term care and Olmstead plans for the department.

This delegation of authority shall not deprive the Secretary from performing, in lieu of the Assistant Secretary for Long Term Care and Family 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 Governor's Executive Order, may only be executed by the Secretary.

APPROVED

Dempsey Benton, Secretary
Department of Health and Human Services