

DHHS Directive Number II-2

Title: Delegation of Authority to the Assistant Secretary for Health Policy
Effective Date: November 3, 2008
Revision History: January 2, 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 Health Policy. The Assistant Secretary for Health Policy shall have responsibilities for the department's health agencies which include the Divisions of Medical Assistance, Health Service Regulation, Mental Health, Developmental Disabilities, and Substance Abuse Services, Public Health, and the Office of Rural Health and Community Care.

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 Health Policy with respect to the department's health agencies, in accordance with the guidelines set forth below:

1. The budget documents for the department's health 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 Health Policy prior to submission to the Secretary or the Secretary's designee for final departmental review and approval.
2. The Assistant Secretary for Health Policy shall have authority to make necessary changes, modifications, alterations, etc., to the certified budget of the department's health 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 Health Policy for approval of the hiring and removal of staff within the department's health 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 Health Policy 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 Health Policy may pursue avenues of relief among the department's health 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.

This delegation of authority shall not deprive the Secretary from performing, in lieu of the Assistant Secretary for Health Policy, 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