

10A NCAC 67A .0105 ADMINISTRATION AND AGENCY COMPLIANCE

(a) The Regional Director or his or her designated representative shall evaluate each county department of social services not less than every three years, to determine compliance with Rule .0103 of this Subchapter using form DSS-1414 for each location. The county director of social services or his or her designee shall verify compliance with Rule .0103 of this Subchapter using form DSS-1414.

(b) At the conclusion of an evaluation, the Regional Director or his or her designated representative who was the reviewer shall meet with the director of the county department to discuss the findings. Following this exit conference, the reviewer shall prepare a written report and transmit the report to the Regional Director. If the findings of the review indicate the county department is in compliance, the Regional Director shall, within 30 days of the date of the evaluation, forward a copy of the administrative review report to the agency director, the local social services board chairman, the chairman of the local board of county commissioners, and the county manager through a letter indicating the agency's compliance. If the county department is not in compliance, the following steps shall be taken within 30 days of the date of the evaluation:

- (1) The Regional Director shall send a copy of the evaluation report to the county director, the local social services board chairman, the chairman of the local board of county commissioners and the county manager setting forth the following information:
 - (A) the specific findings of non-compliance and what is required to come into compliance;
 - (B) notification that the agency has 90 days from the receipt of the report to come into compliance in these areas or to develop and submit to the division a corrective action plan. The division shall provide consultation and technical assistance regarding the areas of non-compliance to the local agency upon request; and
 - (C) notification to the agency that all federal and state administrative funds will be withheld should the county fail to comply or submit a corrective action plan within 90 days of notification of non-compliance.
- (2) In the event that the county department submits a corrective action plan to the division within the 90 day notice period, the Regional Director shall review the corrective action plan to ensure that it addresses each specific finding of non-compliance, and that the implementation of the corrective action plan can be expected to bring the agency into compliance.
- (3) Within 30 days after receipt of the plan, the Regional Director shall approve the plan if each finding has been addressed in accordance with Rule .0103 of this Subchapter or indicate how the county department can amend the corrective action plan in order to obtain approval. After a corrective action plan has been approved, the Regional Director shall monitor the agency's progress towards compliance and inform the agency, the local social services board chairman, the chairman of the local board of county commissioners and the county manager of its findings in writing. If the findings indicate that the agency is not making progress towards compliance in accordance with its corrective action plan, the Regional Director shall so notify the agency, the local social services board chairman, and the chairman of the local board of county commissioners in writing that the agency has an additional 60 days from receipt of the notice to achieve compliance. If the agency does not achieve compliance or make progress towards compliance in accordance with its corrective action plan within the additional 60 day period, withholding shall commence in accordance with the procedures set forth in Subparagraph (b)(5) of this Rule.
- (5) In the event that the county department of social services fails to submit a corrective action plan within the 90-day notice period, the division director shall, within 30 days of the above referenced notification of county authorities, recommend to the Secretary the withholding of federal and state administrative funds. If the Secretary concurs with the division director's recommendation, the Secretary shall, within 30 days of the division director's recommendation, notify the agency director, the local social services board chairman, the chairman of the local board of county commissioners, and the county manager of the decision to use enforcement methods in accordance with 45 CFR 205.170 to ensure compliance. If the county department appeals the decision under the procedures outlined in Paragraph (c) of this Rule, the enforcement action shall be deferred until the conclusion of the hearing and any subsequent appeals.

(c) A county department of social services which is not in compliance and has been notified by the Secretary may appeal. If an appeal is desired, the county is required to file a hearing request with the Office of Administrative Hearings in accordance with Article 3 of G.S. 150B.

History Note: Authority G.S. 143B-153; 45 CFR 205.170(b);

Eff. April 1, 1978;
ARRC Objection March 17, 1988;
Amended Eff. March 1, 1990; August 1, 1988;
Readopted Eff. September 1, 2019.