

CHAPTER 67 – SOCIAL SERVICES - PROCEDURES

SUBCHAPTER 67A – GENERAL ADMINISTRATION

SECTION .0100 - ADMINISTRATION

10A NCAC 67A .0101 CONTENTS

History Note: Authority G.S. 108A-25; 108A-29; 108A-29.1; 143B-10; 143B-153; 143B-138; .S.C. 301 et seq.;
Eff. February 1, 1976;
Readopted Eff. October 31, 1977;
Amended Eff. March 1, 1990;
RRC objection August 15, 2019 and rule returned to the agency on September 19, 2019.

10A NCAC 67A .0102 SEPARATION OF SERVICES FROM INCOME MAINTENANCE

History Note: Authority G.S. 143B-153;
Eff. December 24, 1976;
Readopted Eff. October 31, 1977;
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

10A NCAC 67A .0103 STANDARDS FOR OFFICE SPACE AND FACILITIES

This Rule sets forth requirements for office space, equipment, and facilities for county departments of social services, including agency suboffices. These requirements are in addition to State, county, or municipal building codes. Standards for office space and facilities shall comply with the Federal Confidentiality of Information requirements as set forth in 45 CFR 164.500, which is hereby incorporated by reference, including subsequent amendments and editions, and can be obtained free of charge at <https://www.ecfr.gov>.

- (1) Identification of Office. All social services offices shall be marked and identifiable in the community as a social services agency, as described in 45 CFR 205.170, which is incorporated by reference with subsequent amendments and editions and available free of charge at <https://www.ecfr.gov>, as follows:
 - (a) Each office shall be identified by an outside sign visible from the road or street.
 - (b) If the office is housed within a public building occupied by other agencies or units of government, the agency shall be listed on a building directory in a manner similar or equal to that accorded every other agency.
- (2) Requirements for Physical Plant. Buildings housing social services agencies shall meet the following requirements:
 - (a) Buildings housing social services agencies shall be certified to be in compliance with state and local fire and building codes.
 - (b) All buildings for which site clearance began before June 3, 1977, shall meet the equal access provisions specified in Section 504 of the Rehabilitation Act of 1973 as amended.
- (3) Requirements for Space. The minimum square footage for each employee shall be as follows:

(a) Staff Who Interview Clients In Their Offices	80
(b) Supervisors	80
(c) Management	96
(d) Staff Members Not Required to Conduct Interviews In Their Offices	56
- (4) Requirements for Privacy:
 - (a) Private offices shall be required for the county director and each supervisor.
 - (b) Private offices or interviewing room shall be available to all staff who interview clients.
- (5) Requirements for Waiting Room and Reception Area. County department of social services shall be arranged to provide a waiting room to accommodate the people availing themselves of its use each day. A separate area is required for the receptionist.
- (6) Requirement for Conference Room. A conference or staff training room with seating capacity to accommodate people in attendance for meetings and training sessions.
- (7) Requirement for Storage Space and Confidentiality of Records. Space shall be provided for locating files and records, supplies, and forms as follows:

- (a) Files and supplies shall be accessible and convenient to staff responsible for their maintenance, use, and protection.
- (b) Files and records shall be protected from fire, other damage and theft.
- (c) Access to confidential information shall be limited to authorized personnel only as approved by the director or his or her designee.
- (d) Space shall be available for storing janitorial and maintenance supplies and equipment.
- (8) Requirement to Provide Office Space for Persons Who Periodically Visit the Agency on DSS Related Business. Office space shall be provided to persons who visit the agency on DSS related business.
- (9) Requirement for Equipment. Furnishings and equipment such as, desk, chair, phone, and computer shall be provided to enable staff to perform its duties.

History Note: Authority G.S. 108A-80; 143B-153; 45 CFR 205.170(a)(b); 45 CFR 164.500;
 Eff. April 1, 1978;
 Amended Eff. May 1, 1990; May 1, 1988;
 Readopted Eff. September 1, 2019.

10A NCAC 67A .0104 EQUAL PERCENTAGE AND DISTRIBUTION

History Note: Authority G.S. 143B-153;
 Eff. July 1, 1976;
 Readopted Eff. October 31, 1977;
 Amended Eff. May 1, 1990;
 Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

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.

10A NCAC 67A .0106 CIVIL RIGHTS

For reviewing compliance of county departments of social services with civil rights requirements in accordance with Title VI of the Civil Rights Act of 1964, form DSS-1464a shall be supplied to county departments of social services to be completed annually by the county director or his or her designee. Form DSS-1464a shall include the name of the county department of social services and a signature from the county director or his or her designee attesting to satisfying the requirements of Title VI of the Civil Rights Act of 1964.

History Note: Authority G.S. 143B-153;
Eff. April 1, 1979;
Readopted Eff. September 1, 2019.

10A NCAC 67A .0107 FORMS

(a) In order to comply with federal and State reimbursements, each county department of social services shall complete forms set forth in this Rule.

(b) Form DSS-4263 shall be completed by the county services workers when time is spent providing direct service activities to meet reporting requirements at the federal, State and local levels and shall provide the basis for county reimbursement. Form DSS-4263 shall include the date, county provider name, worker identification number, client name, type of service provided, and minutes spent with client. All required fields must be completed and required fields not completed shall be considered an error and returned to the worker.

(c) Form DSS-5027 shall be completed by the case manager for each client requesting social services to document a client request or application for social services. All required fields must be completed and required fields not completed shall be considered an error and returned to the worker. Clients may refuse to provide their social security numbers and shall not be denied benefits, but the worker identification numbers of case managers are required.

History Note: Authority G.S. 75-62; 143B-153; 2 CFR 200;
Eff. August 15, 1980;

*Amended Eff. September 1, 2008; December 1, 2007; March 1, 1990; January 1, 1983;
Readopted Eff. September 1, 2019.*

10A NCAC 67A .0108 ADVISORY TO COUNTIES REGARDING PETITION OF GARNISHMENT

The State Division of Social Services shall advise county departments of social services and consolidated human services boards of any State and federal laws and regulations that restrict the garnishment of wages to recoup a fraudulent public assistance program payment as provided in G.S. 108A-25.3.

*History Note: Authority G.S. 108A-25.3
Temporary Adoption Eff. December 8, 1997;
Eff. April 1, 1999;
Readopted Eff. September 1, 2019.*

10A NCAC 67A .0109 STATE PUBLIC ASSISTANCE EQUALIZING FUND

*History Note: Authority G.S. 108A-92; 143B-153;
Eff. March 16, 1976;
Readopted Eff. October 31, 1977;
Amended Eff. July 1, 1991; March 1, 1990; July 1, 1980; February 15, 1979;
Repealed Eff. July 1, 2012.*

SECTION .0200 - HEARING POLICY

10A NCAC 67A .0201 GENERAL

*History Note: Authority G.S. 143B-153;
Eff. October 1, 1981;
Amended Eff. January 1, 1983;
RRC objection August 15, 2019 and rule returned to the agency on September 19, 2019.*

10A NCAC 67A .0202 EXCEPTIONS FOR NOTIFICATION

*History Note: Authority G.S. 108A-25; 143B-153; 45 C.F.R. 205.10;
Eff. October 1, 1981;
Amended Eff. November 1, 2007;
RRC objection August 15, 2019 and rule returned to the agency on September 19, 2019.*

10A NCAC 67A .0203 GOOD CAUSE FOR DELAYED HEARINGS

- (a) A local appeal hearing under G.S. 108A-79 shall be delayed as provided in G.S. 108A-79(e) for good cause.
- (b) A State appeal hearing under G.S. 108A-79 shall be delayed when there is good cause. The postponement shall not exceed 30 calendar days.
- (c) For the purpose of this Rule, good cause exists when:
 - (1) There is a death in the appellant's family. For the purpose of this Rule, family is defined as a spouse, parent, sibling, child, stepchild, grandparent, grandchild, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, or nephew.
 - (2) The appellant or someone in his or her family is ill;
 - (3) The appellant is unable to obtain representation;
 - (4) The appellant's representative has a conflict with the scheduled date;
 - (5) The appellant receives a notice of action proposing a reduction or termination of assistance after the 10 work day notice expires;
 - (6) The appellant is unable to obtain transportation; or
 - (7) The hearing officer determines that the hearing should be delayed for some other reason in the interests of justice.

History Note: Authority G.S. 108A-79; 143B-153;

Eff. October 1, 1981;
Amended Eff. February 1, 1986;
Readopted Eff. September 1, 2019.

10A NCAC 67A .0204 ATTENDANCE AT THE LOCAL OR STATE HEARING

Attendance at the local or State hearing is limited to the appellant, his or her representative, representatives of the county department and any witnesses that the appellant or the county department wish to call upon for testimony.

History Note: Authority G.S. 108A-79; 143B-153;
Eff. October 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016;
Amended Eff. September 1, 2019.

10A NCAC 67A .0205 APPEAL OF DECISION

- (a) The hearing officer shall make a tentative decision on the appeal that shall be served upon the county department, the appellant, and the representatives by mail. Decisions reversing the county department's action shall be sent by certified mail to the county department. Decisions affirming the county department's actions shall be sent by certified mail to the appellant. Decisions shall be sent by regular mail to representatives. The tentative decision shall contain a notification of the right to present oral and written argument for and against the decision as set out in this Rule.
- (b) The county and the appellant may present oral and written argument, for and against the decision by contacting the Chief Hearing Officer.
- (c) If a written argument, a request for a time extension to submit a written argument, or a request for oral argument is not received by the Chief Hearing Officer within 10 calendar days of the date the notice of the tentative decision is signed, the tentative decision shall become final.
- (d) If a request for a time extension to submit a written argument or a request for an oral argument is received by the Chief Hearing Officer within 10 calendar days of the date the notice of the tentative decision is signed, an extension shall be granted and a letter shall be mailed stating the date the written argument is due or the date and time the oral argument shall be heard.
- (e) If the party that requested oral argument fails to appear for the scheduled oral argument, the tentative decision shall become final.
- (f) If arguments are presented within the timeframes established pursuant to Paragraphs (c) and (d) of this Rule, then all such arguments shall be considered, and a final decision shall be rendered.
- (g) The final decision shall be served upon the appellant and the county department by certified mail. Decisions shall be sent by regular mail to representatives.
- (h) A decision upholding the appellant shall be put into effect within two weeks after the county department's receipt of the final decision by certified mail.
- (i) As provided for in 45 CFR 205.10 and G.S. 108A-79(k), the decision shall contain the appellant's right to seek judicial review.

History Note: Authority G.S. 108A-79; 143B-153; 45 CFR 205.10;
Eff. October 1, 1981;
Amended Eff. March 1, 1992; February 1, 1986;
Readopted Eff. September 1, 2019.

10A NCAC 67A .0206 GOOD CAUSE FOR NOT REQUESTING HEARING AND REQUIRED TIME FRAMES

- (a) Except in the Supplemental Nutrition Assistance Program, an appellant shall request a local hearing within 60 days from the date of action unless he or she shows good cause. If the appellant shows good cause, the local hearing request must be made no later than the 90th day from the date of action.
- (b) Except in the Supplemental Nutrition Assistance Program, an appellant shall request a state hearing within 15 days from the date the local hearing decision is mailed unless he or she shows good cause. If the appellant shows good cause, the state hearing request must be made no later than the 90th day from the date of action.

(c) For purposes of G.S. 108A-79(e) for local hearings, good cause for not requesting a local hearing within 60 days from the date of action and for not requesting a state hearing within 15 days from the date the local decision is mailed shall include the following:

- (1) Failure of the appellant to receive the notification of the action to be taken pursuant to the local hearing decision;
- (2) Hospitalization of the appellant, spouse, child, stepchild or parent of the appellant;
- (3) Failure of a representative, acting on the appellant's behalf, to meet the time limitation to file an appeal in accordance with federal and State laws and regulations;
- (4) Illness that results in the appellant being incompetent or unconscious and no representative has been appointed;
- (5) Illness that results in the incapacity of the appellant;
- (6) Death of the appellant or his or her representative; or
- (7) Delay caused by the county, such as failing to assist the individual in filing an appeal, incorrectly providing information on appeal rights, or discouraging a request for appeal.

(d) The appellant shall provide evidence to substantiate good cause. Evidence may include:

- (1) Doctor's statement;
- (2) Hospital bill;
- (3) Written statement from the appellant's representative; or
- (4) Written statement of the appellant or other individual knowledgeable about the situation.

History Note: Authority G.S. 108A-79; 143B-153; 7 C.F.R. 273.15(g); 45 C.F.R. 205.10(a)(5)(iii); 42 C.F.R. 431.221(d);
Temporary Adoption Eff. January 1, 1988 For a Period of 180 Days to Expire on June 28, 1988;
Eff. May 1, 1988;
Amended Eff. March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016;
Amended Eff. September 1, 2019.

SECTION .0300 – REGIONAL SOCIAL SERVICES DEPARTMENTS

10A NCAC 67A .0301 REGIONAL DEPARTMENTS OF SOCIAL SERVICES FINANCIAL OBLIGATIONS OF COUNTIES

Counties creating or joining a regional social services department pursuant to G.S. 108A-15.7, shall enter into a written agreement that sets forth, at a minimum, the following financial obligations and the amount or method in which each county will appropriate funds to the regional social services department for:

- (1) the administration of programs of social services and public assistance;
- (2) the county share of public assistance program costs; and
- (3) any recoupments following fiscal or program monitoring or audit findings.

History Note: Authority G.S. 108A-15.7; 143B-153(9);
Eff. March 1, 2019.