

10A NCAC 70F .0202 RESPONSIBILITIES OF THE GOVERNING BODY

(a) The governing body shall provide leadership for the agency and shall approve the agency's policies and programs.

(b) The governing body shall employ an executive director who is located in the agency's administrative office within the geographical boundaries of North Carolina and shall delegate responsibility for the administration and operation of the agency to that director, including the employment and discharge of all agency staff.

(c) The governing body shall:

- (1) require the executive director provide a signed statement that the executive director has no criminal, social, or medical history that would adversely affect his or her capacity to work with children and adults;
- (2) ensure that the criminal histories of an executive director are completed;
- (3) ensure that searches of the North Carolina Sex Offender and Public Protection Registry and the North Carolina Health Care Personnel Registry pursuant to G.S. 131E-256 are completed;
- (4) submit authorization to the licensing authority to search the Responsible Individuals List, as defined in 10A NCAC 70A .0102, to determine if the executive director has had child protective services involvement resulting in a substantiation of child abuse or serious neglect;
- (5) make all determinations concerning an individual's fitness for employment based on the requirements of this Paragraph prior to employment;
- (6) require that the executive director provide a signed statement prior to employment that he or she has not abused or neglected child, has not been a respondent in a juvenile court proceeding that resulted in the removal of a child, and has not had child protective services involvement that resulted in the removal of a child; and
- (7) require that the executive director provide a signed statement that he or she has not abused, neglected, or exploited a disabled adult and that he or she has never committed an act of domestic violence upon another person.

Agencies or applicants that do not have a governing body shall provide this information directly to the licensing authority.

(d) The executive director is not eligible for employment if he or she has been convicted of a felony involving:

- (1) child abuse or neglect;
- (2) spouse abuse;
- (3) a crime against a child or children, including child pornography; or
- (4) a crime of rape, sexual assault, or homicide.

(e) The executive director is not eligible for employment if within the last five years he or she has been convicted of a felony involving:

- (1) assault;
- (2) battery; or
- (3) a drug-related offense.

(f) The governing body shall annually evaluate the executive director's performance, except a sole proprietor or partner is exempt from this Rule if he or she serves as executive director.

(g) The governing body shall approve the annual budget of anticipated income and expenditures necessary to provide the services described in its statement of purpose. Child-placing agencies and residential maternity homes receiving foster care payments or state maternity home funds shall submit an annual audit of their financial statements to the Department of Health and Human Services, Controller's Office, Cost Analysis Branch, Rate Setting Unit and shall comply with 10A NCAC 70D .0105(a)(5).

(h) The governing body shall annually evaluate the effectiveness of the agency's service to its clients. This evaluation shall include the agency's services to ensure client safety.

(i) The governing body shall establish in writing confidentiality policies and procedures for control and access to and receipt, use, or release of information about its clients.

(j) The governing body of child-placing agencies providing foster care services shall develop a written disaster plan that is provided to agency personnel and foster parents. The disaster plan shall be prepared and updated at least annually. The governing body of residential maternity homes shall comply with 10A NCAC 70K .0315(g).

(k) The governing body shall develop a plan, in the event of the closing of the agency, that shall contain:

- (1) the date of projected closing;
- (2) the name, address, email, and phone number of the contact person responsible for accessing the agency's records;
- (3) the physical location of the records; and

- (4) how the agency plans to keep records secure and confidential.
- (l) The governing body shall develop and implement policies and procedures to comply with Title VI Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, incorporated by reference including subsequent amendments and editions.
- (m) The governing body shall insure that the agency complies with the Multiethnic Placement Act (MEPA) of 1994, P.L. 103-82, as amended by the Interethnic Adoption Provisions (IEP) of 1996, which is incorporated by reference, including subsequent amendments and editions.
- (n) The governing body shall comply with the terms and conditions of State and Federal requirements to participate in procurement contracts and covered non-procurement transactions as required by 45 C.F.R. 82.510 and 49 C.F.R. 29.630, which is incorporated by reference, including subsequent amendments and editions.

*History Note: Authority G.S. 131D-10.5; 131D-10.6; 131D-10.10; 143B-153;
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