

## **DHHS Directive Number I-1**

**Title:**                   **Organization of the DHHS Directive System**  
**Effective Date:**       **January 12, 2009**  
**Revision History:**   **January 1, 2002; November 3, 2008**  
**Authority:**           **G.S. 143B-10, G.S. 143B-137**

### **Purpose**

The purpose of the North Carolina Department of Health and Human Services (NC DHHS) directive system is to provide secretarial direction on departmental issues. The directives delineate delegations of authority, clarify a division's/office's scope of authority and reporting structure, and include relevant department-wide issues.

Except for the delegations of authority, management decisions impacting only one division/office or a few divisions/offices should be handled through memoranda from the Secretary rather than through directives. Issues already covered by state statutes, regulations and rules or federal statutes and regulations should not be included in the directive system. Policy stated by a directive shall remain within the scope of the legal authority for the directive. If a provision in a directive conflicts with a statute, regulation, or rule, that provision shall be deemed null and void without impact on the remaining provisions of the directive.

### **Delegation of Authority**

1.     Format (see attached template for delegations)
  - A.     Directives shall be written clearly, using terms easily understood by persons outside a particular program area or agency. Terms not easily understood by persons outside the program should be defined in the directive.
  - B.     Directives shall be typed on departmental letterhead.
  - C.     Each directive shall be assigned a number and shall be cited by its title, number and effective date. For example, this directive shall be cited as: DHHS Directive Number I-1, "Organization of DHHS Directive System" (effective: September 5, 2007).

- D. All directives shall be organized as follows:
1. DHHS Directive Number--as assigned by the departmental directive coordinator;
  2. Title--short, identifying title;
  3. Effective Date--date the proposed or revised directive is to become effective;
  4. Authority--cite the statutory and/or APA authority for establishing a directive;
  5. Purpose--a short statement concerning background information, including the necessity for the directive and its intended accomplishment;
  6. Delegation of Authority--a clear statement of the authority delegated by the Secretary; may include procedures necessary to implement the directive and a description of the personnel or units of the department that are responsible for the various duties necessary to carry out the terms of the directive. However, issues dealing strictly with policies and procedures will be placed in the department's policies and procedures manual; and
  7. Approval Signature--a directive must be signed by the DHHS Secretary of the Department.
2. Directive Coordinators
- A. The DHHS Director of the Office of General Counsel shall be the departmental directive coordinator and shall serve as the directive coordinator for the DHHS Office of the Secretary. The duties of the departmental directive coordinator are:
1. Maintain the original copy of each current DHHS Directive;
  2. Maintain a file of repealed directives;
  3. Provide assistance to division directive coordinators concerning drafting and revision of directives;
  4. Review proposed directives submitted by the division directive coordinators and make recommendations concerning their approval to the Secretary;
  5. Provide each division directive coordinator with a copy of each approved directive and with a notice of any repealed directives within a reasonable time after approval by the Secretary;
  6. Update the directive index as needed and provide each division directive coordinator with a copy; and
  7. Maintain the department directives on the departmental web site.

- B. Each division director and office head shall appoint a division directive coordinator. The division director shall notify the departmental directive coordinator when a new division directive coordinator is appointed. Each division director and office head is responsible for insuring that division and agency personnel fulfill directive requirements. The duties of the division directive coordinator are:
  - 1. Update and maintain the division's copy of the DHHS Directive System;
  - 2. Review the division's directives, at least annually, to insure that they are comprehensive and current;
  - 3. Draft division directives;
  - 4. Coordinate the development and approval of directives needed by the division; and
  - 5. Distribute information concerning the DHHS Directive System to division staff as appropriate and serve as the division's resource person for directive information. The division coordinator shall inform the division director or office head of directive requirements that affect that division or office.
  
- 3. Procedures to Develop or Revise a Directive
  - A. The division directive coordinator shall draft a proposed new directive or revision to an existing directive, and after obtaining written approval from the division director and the DHHS Deputy Secretary, Senior Advisor, or Assistant Secretary, as appropriate, shall submit the proposed directive with the written approvals to the departmental directive coordinator.
  - B. The departmental directive coordinator shall review the proposed directive. If the proposed directive has general departmental applicability or affects more than one division, it shall be reviewed by all appropriate division directive coordinators. If it has potential fiscal impact, it shall be reviewed by the appropriate budget analyst. All comments on the proposed directive shall be reviewed by the departmental directive coordinator and the division directive coordinator and a final draft of the proposed directive shall be prepared by the division directive coordinator.
  - C. The final draft of the directive or amendment shall be submitted to the departmental directive coordinator who shall submit it for review to the Secretary. This final draft must be an original typed version of the directive, free of corrections. The Secretary shall approve or disapprove the directive. The directive becomes effective when it is signed by the Secretary.
  - D. After an approved directive is signed by the Secretary, the original is kept on file by the departmental directive coordinator. The departmental directive coordinator shall assign a number to each directive. An amended directive shall keep the same directive system number assigned to the

original directive, but its effective date shall indicate the effective date of the approval of the amended directive.

- E. The departmental directive coordinator shall provide each division directive coordinator with a copy of the approved directive. If the Secretary does not approve a directive, the departmental directive coordinator shall notify the originator of the request as well as all persons who reviewed it.
4. Procedure to Repeal a Directive
- A. A request to repeal a directive may be initiated by a division directive coordinator (following written approval by the division director and the applicable DHHS Deputy Secretary, Assistant Secretary, or Senior Advisor) the departmental directive coordinator, or a staff member of the DHHS Office of the Secretary. The person requesting the repeal of a directive shall submit an explanation of the reasons for repeal in writing to the departmental directive coordinator. The departmental directive coordinator shall review this information and request review by the division directive coordinator of any applicable division(s) and the appropriate budget analyst(s). The departmental directive coordinator shall review comments and make recommendations to the Secretary.
  - B. If the Secretary decides that a directive should be repealed, a statement to that effect shall be signed by the Secretary. This statement shall also indicate the effective date of the repeal.
  - C. The department directive coordinator shall maintain the original copy of the statement of repeal from the Secretary in the directive file. The departmental directive coordinator shall notify all division directive coordinators of any repeal of a directive. If the Secretary does not approve a request to repeal a directive, the departmental directive coordinator shall notify the originator of the request as well as all persons who reviewed it.
  - D. Once a directive has been repealed, its directive system number shall not be reassigned to another directive.
5. It is expected that directors ensure that they and their staff are familiar with and abide by all DHHS Secretarial Directives. If a conflict arises in any of the directives, the department directive coordinator should be promptly notified.

6. Establishment of the DHHS Directive System

All directives approved before January 1, 2002 are repealed. Only directives approved on or after January 1, 2002, established according to the procedure and format set forth in this Secretary Directive, shall be incorporated as part of the DHHS Directive System.

APPROVED

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Lanier M. Cansler, Secretary  
Department of Health and Human Services