

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 351  
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Short Title: Social Services Commission Authority/AB.

(Public)

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Sponsors: Senator Miller.

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Referred to: Children & Human Resources.

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March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE SOCIAL SERVICES COMMISSION HAS THE  
AUTHORITY TO SET PERSONNEL REQUIREMENTS IN MATERNITY  
HOMES, CHILD PLACING AGENCIES, AND CHILD CARE INSTITUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-153 reads as rewritten:

**"§ 143B-153. Social Services Commission – creation, powers and duties.**

There is hereby created the Social Services Commission of the Department of Human Resources with the power and duty to adopt rules and regulations to be followed in the conduct of the State's social service programs with the power and duty to adopt, amend, and rescind rules and regulations under and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article. Provided, however, the Department of Human Resources shall have the power and duty to adopt rules and regulations to be followed in the conduct of the State's medical assistance program.

(1) The Social Services Commission is authorized and empowered to adopt such rules and regulations that may be necessary and desirable for the programs administered by the Department of Human Resources as provided in Chapter 108A of the General Statutes of the State of North Carolina.

- 1           (2) The Social Services Commission shall have the power and duty to  
2 establish standards and adopt rules and regulations:
- 3           a. For the programs of public assistance established by federal  
4 legislation and by Article 2 of Chapter 108A of the General  
5 Statutes of the State of North Carolina with the exception of the  
6 program of medical assistance established by G.S. 108A-25(b);
- 7           b. To achieve maximum cooperation with other agencies of the  
8 State and with agencies of other states and of the federal  
9 government in rendering services to strengthen and maintain  
10 family life and to help recipients of public assistance obtain self-  
11 support and self-care;
- 12           c. For the placement and supervision of dependent and delinquent  
13 children and payment of necessary costs of foster home care for  
14 needy and homeless children as provided by G.S. 108A-48; and
- 15           d. For the payment of State funds to private child-placing agencies  
16 as defined in G.S. 131D-10.2(4) and residential child care  
17 facilities as defined in G.S. 131D-10.2(13) for care and services  
18 provided to children who are in the custody or placement  
19 responsibility of a county department of social services.
- 20       (2a) The Social Services Commission shall have the power and duty to  
21 establish standards and adopt rules and regulations:
- 22           a. For social services programs established by federal legislation  
23 and by Article 3 of G.S. Chapter 108A;
- 24           b. For implementation of Title XX of the Social Security Act,  
25 except for Title XX services provided solely through the Division  
26 of Mental Health, Developmental Disabilities, and Substance  
27 Abuse Services, by promulgating rules and regulations in the  
28 following areas:
- 29           1. Eligibility for all services established under a  
30 Comprehensive Annual Services Plan, as required by  
31 federal law;
- 32           2. Standards to implement all services established under the  
33 Comprehensive Annual Services Plan;
- 34           3. Maximum rates of payment for provision of social  
35 services;
- 36           4. Fees for services to be paid by recipients of social  
37 services;
- 38           5. Designation of certain mandated services, from among the  
39 services established by the Secretary below, which shall  
40 be provided in each county of the State; and
- 41           6. Title XX services for the blind, after consultation with the  
42 Commission for the Blind.

- 1                                    Provided, that the Secretary is authorized to promulgate  
2                                    all other rules in at least the following areas:
- 3                                    1.    Establishment, identification, and definition of all services  
4                                    offered under the Comprehensive Annual Services Plan;
  - 5                                    2.    Policies governing the allocation, budgeting, and  
6                                    expenditures of funds administered by the Department;
  - 7                                    3.    Contracting for and purchasing services; and
  - 8                                    4.    Monitoring for effectiveness and compliance with State  
9                                    and federal law and regulations.
- 10                                  (3)    The Social Services Commission shall have the power and duty to  
11                                  establish and adopt standards:
- 12                                  a.    For the inspection and licensing of maternity homes as provided  
13                                  by ~~G.S. 131D-1~~; G.S. 131D-1 and for personnel requirements of  
14                                  staff employed in maternity homes;
  - 15                                  b.    For the inspection and licensing of adult care homes for aged or  
16                                  disabled persons as provided by G.S. 131D-2(b) and for  
17                                  personnel requirements of staff employed in ~~adult care homes~~  
18                                  adult care homes;
  - 19                                  c.    For the inspection and licensing of ~~child care~~ child care  
20                                  institutions and child placing agencies as provided by ~~G.S. 131D-~~  
21                                  ~~10.5~~; G.S. 131D-10.5 and for personnel requirements of staff  
22                                  employed in child care institutions and child placing agencies.  
23                                  These standards shall not apply to entities exempt under G.S.  
24                                  131D-10.4;
  - 25                                  d.    For the inspection and operation of jails or local confinement  
26                                  facilities as provided by G.S. 153A-220 and Article 2 of Chapter  
27                                  131D of the General Statutes of the State of North Carolina;
  - 28                                  e.    Repealed by Session Laws 1981, c. 562, s. 7.
  - 29                                  f.    For the regulation and licensing of charitable organizations,  
30                                  professional fund-raising counsel and professional solicitors as  
31                                  provided by Chapter 131D of the General Statutes of the State of  
32                                  North Carolina.
- 33                                  (4)    The Social Services Commission shall have the power and duty to  
34                                  authorize investigations of social problems, with authority to subpoena  
35                                  witnesses, administer oaths, and compel the production of necessary  
36                                  documents.
- 37                                  (5)    The Social Services Commission shall have the power and duty to ratify  
38                                  reciprocal agreements with agencies in other states that are responsible  
39                                  for the administration of public assistance and child welfare programs to  
40                                  provide assistance and service to the residents and nonresidents of the  
41                                  State.
- 42                                  (6)    The Commission is authorized and empowered to adopt such rules and  
43                                  regulations, not inconsistent with the laws of this State, as may be

1 required by the federal government of grants-in-aid for social services  
2 purposes which may be made available for the State by the federal  
3 government. This section is to be liberally construed in order that the  
4 State and its citizens may benefit from such grants-in-aid.

5 (7) The Commission shall adopt rules and regulations consistent with the  
6 provisions of this Chapter. All rules and regulations not inconsistent  
7 with the provisions of this Chapter heretofore adopted by the Board of  
8 Social Services shall remain in full force and effect unless and until  
9 repealed or superseded by action of the Social Services Commission.  
10 All rules and regulations adopted by the Commission shall be enforced  
11 by the Department of Human Resources.

12 (8) The Commission may establish by regulation, except for Title XX  
13 services provided solely through the Division of Mental Health,  
14 Developmental Disabilities, and Substance Abuse Services, rates or fees  
15 for:

16 a. A fee schedule for the payment of the costs of necessary day care  
17 in licensed facilities and registered plans for minor children of  
18 needy families.

19 b. A fee schedule for the payment by recipients for services which  
20 are established in accordance with Title XX of the Social  
21 Security Act and implementing regulations; and

22 c. The payment of an administrative fee not to exceed two hundred  
23 dollars (\$200.00) to be paid by public or nonprofit agencies  
24 which employ students under the Plan Assuring College  
25 Education (PACE) program.

26 d. Child support enforcement services as defined by G.S. 110-  
27 130.1."

28 Section 2. This act is effective when it becomes law.