

§ 122C-124.3. Actions by the Secretary in response to county concerns.

(a) A county that has concerns about the performance of the area authority with which it is aligned shall provide written notice of its concerns to the Secretary, the area director of the area authority, the chair of the area board, and the chairs of the Joint Legislative Oversight Committee on Health and Human Services.

(b) Upon the Secretary's receipt of a notice from a county under subsection (a) of this section, the Department shall evaluate the performance concerns to determine their validity. If the performance concerns are valid, then all of the following shall occur:

- (1) The Secretary shall direct the area authority to promptly address and resolve the performance concerns raised by the county.
- (2) If the concerns involve the area authority's performance under a contract, as defined in G.S. 122C-124.2(g), then (i) the Secretary shall take all actions necessary to ensure that the area authority complies with the terms of the contract and (ii) if the area authority does not come into compliance with the terms of the contract within the time frame contemplated in the contract, then the Secretary shall follow the processes specified in the contract and under 42 C.F.R. Part 438, Subpart I, which may include intermediate sanctions or termination of the contract. (2023-134, s. 9G.7A(b1).)