

HISTORY OF LEGISLATIVE ACTIONS RELATED TO THE DHHS OFFICE OF PROGRAM EVALUATION REPORTING AND ACCOUNTABILITY

SESSION LAW 2015-241

CREATION OF OFFICE OF PROGRAM EVALUATION REPORTING AND ACCOUNTABILITY WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION 12A.3.(a) Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 31A. Office of Program Evaluation Reporting and Accountability.

**"§ 143B-216.52. Department of Health and Human Services; Office of
Program Evaluation Reporting and Accountability.**

The Office of Program Evaluation Reporting and Accountability (OPERA) is hereby established within the Department of Health and Human Services. Employees of the OPERA shall be subject to the North Carolina Human Resources Act only as provided in G.S. 126-5(c1)(31).

"§ 143B-216.53. Appointment, qualifications, and removal of OPERA Director.

(a) The Secretary of Health and Human Services shall appoint a Director of OPERA, who shall perform the duties of the position independently. The Director shall report directly to the Secretary and shall not report to any other deputy, division director, or staff member of the Department.

(b) The Director must have a minimum of 10 years of experience in program evaluation equivalent to the duties of the office, including at least three years of experience at the management level.

(c) The Director may only be removed by the Secretary of Health and Human Services effective 30 days after written notification to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the State Auditor, and the Director of the Fiscal Research Division of the Legislative Services Office. The notification must itemize the causes and particulars justifying the Director's removal.

**"§ 143B-216.54. Duties of the Office of Program Evaluation Reporting
and Accountability.**

The Office of Program Evaluation Reporting and Accountability has the following
duties:

- (1) To assess the evidentiary basis of all Department programs as recommended by Evidence-Based Policymaking: A Guide for Effective Government, a project of the Results First Initiative of the Pew Charitable Trusts and the John D. and Katherine T. MacArthur Foundation.
- (2) To identify and evaluate any Department program when directed by the General Assembly, the Secretary, or as deemed necessary by the Director.
- (3) To develop an Internet Web site containing an inventory of departmental programs consisting of the program name and a link to a program profile. For each program, the profile must contain, at a minimum, all of the following:
 - a. Legal authority for the program.
 - b. Program performance for the past five fiscal years and year to date for the current fiscal year.
 1. Outcome. – The verifiable quantitative effects or results attributable to the program compared to a performance standard.
 2. Output. – The verifiable number of units of services or

- 3. activities compared to a standard.
- 3. Efficiency. – The verifiable total direct and indirect cost per output and per outcome compared to a standard.
- 4. Performance standard. – A quantitative indicator based upon best practices, generally recognized standards, or comparisons with relevant programs in other states or regions for gauging achievement of efficiency, output, and outcomes.
- 5. Benchmarks. – A broad societal indicator used for gauging ultimate outcomes of the program, such as U.S. Census data.
- c. Funding by source for the current and previous five fiscal years.
- d. Listing of filled and vacant employee positions as specified by the Office of State Budget and Management.
- e. Listing of contracts during the previous fiscal year and of the current fiscal year to date with individuals and firms and the actual and authorized cost, funding source, and purposes of those contracts.
- f. Categorization by evidence of effectiveness as determined by the Office.
- g. Potential return on investment of each program.
- h. Findings and recommendations from internal and external State or federal audits, Office program assessments, and program evaluations.
- (4) To assure that the Office Internet Web site allows users to list all of the following:
 - a. Programs that exceeded, met, or did not meet performance standards for efficiency, outputs, and outcomes for the immediate preceding fiscal year.
 - b. Programs by category of evidence of effectiveness.
 - c. Programs by potential return on investment.
 - d. Programs listed in a manner determined useful by the Office.
- (5) To cooperate with and respond promptly to requests for program-level data and information from the Office of State Budget and Management, the Fiscal Research and Program Evaluation Divisions of the Legislative Services Office, and the State Auditor.

"§ 143B-216.55. Powers of the Office of Program Evaluation Reporting and Accountability.

The Office of Program Evaluation Reporting and Accountability is authorized, primarily for the purpose of assessing accurate return on investment, to do all of the following:

- (1) Have unfettered access to any data or record maintained by the Department and to assure its confidentiality when required by State or federal law.
- (2) Interview any Department employee or independent contractor without others present.
- (3) Conduct announced or unannounced inspections of departmental-owned or departmental-leased facilities."

SECTION 12A.3.(b) G.S. 126-5(c1) is amended by adding a new subdivision to

read:

"§ 126-5. Employees subject to Chapter; exemptions.

...
(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

- ...
(31) Employees of the Office of Program Evaluation Reporting and Accountability of the Department of Health and Human Services."

SESSION LAW 2016-94

QUALIFICATIONS OF DIRECTOR OF OFFICE OF PROGRAM EVALUATION, REPORTING, AND ACCOUNTABILITY

SECTION 12A.9. G.S. 143B-216.55(b) reads as rewritten:

"(b) The Director must have ~~a minimum of 10 years of~~ experience in program evaluation equivalent to the duties of the office, including at least three years of experience at the management level level that demonstrates increasing levels of responsibility within the field of program evaluation."

SESSION LAW 2017-57

OFFICE OF PROGRAM EVALUATION REPORTING AND ACCOUNTABILITY

SECTION 11A.11.(a) The Department of Health and Human Services shall not use any funds appropriated in this act for the Office of Program Evaluation Reporting and Accountability for any purpose other than to establish and administer that Office and to implement the provisions of Part 31A of Article 3 of Chapter 143B of the General Statutes.

SECTION 11A.11.(b) By December 1, 2017, the Department of Health and Human Services shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on the establishment and operation of the Office of Program Evaluation Reporting and Accountability. The report shall include at least all of the following:

- (1) A breakdown of all expenditures from the funds appropriated to the Department since the 2015-2016 fiscal year for the establishment and administration of the Office.
- (2) All steps taken by the Department to establish the Office pursuant to Part 31A of Article 3 of Chapter 143B of the General Statutes.
- (3) An organizational chart of the Office that includes all employees.
- (4) A list of all assessments and evaluations conducted or in progress by the Office.
- (5) An explanation of any obstacles to establishment and operation of the Office or fulfillment by the Office of any of the duties prescribed in G.S. 143B-216.56.