

## DUTY STATEMENT

Employee Name:	
Classification: <b>Attorney IV</b>	Position Number: <b>580-140-5780-XXX</b>
Working Title: <b>Attorney IV</b>	Work Location: <b>1415 L Street, Suite 500, Sacramento, CA</b>
Collective Bargaining Unit: <b>R02</b>	Time Base: <b>Permanent/Full Time</b>
Center/Office/Division: <b>Office of Legal Services</b>	Branch/Section/Unit: <b>Regulations, Privacy, Special Projects</b>

All employees shall possess the general qualifications, as described in California Code of Regulations Title 2, Section 172, which include, but are not limited to integrity, honesty, dependability, thoroughness, accuracy, good judgment, initiative, resourcefulness, and the ability to work cooperatively with others.

This position requires the incumbent to maintain consistent and regular attendance; communicate effectively (orally and in writing) in dealing with the public and/or other employees; develop and maintain knowledge and skill related to specific tasks, methodologies, materials, tools, and equipment; complete assignments in a timely and efficient manner; and, adhere to departmental policies and procedures.

### Job Summary

Under the general direction of the Career Executive Assignment, Assistant Chief Counsel, Regulations, Privacy, and Special Projects, in the Office of Legal Services (OLS). The Attorney IV acts as the Privacy Officer and serves as the Department's expert on law, regulations, policies and procedures related to the privacy of health information. The Privacy Officer is a senior level attorney who independently advises the Director and Executive staff on privacy issues; handles all privacy issues surrounding breaches of information security; develops and implements privacy policies and procedures for Department programs and monitors program compliance; analyzes, interprets and provides positions on proposed privacy legislation; and drafts contractual documents for all Department programs that need to ensure the protection of the Department's confidential data. The Privacy Officer is a highly experienced Attorney who is an expert in the area of privacy protection and is required to have a full understanding of complex laws and regulations, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health (HITECH) Act, the Information Practices Act of 1977 (IPA), and other state and federal privacy laws and regulations. The Attorney IV also functions in a lead capacity and mentor with respect to other attorneys within the OLS.

### Special Requirements

- None
- Supervision Exercised
- Conflict of Interest (COI)
- Background Check and/or Fingerprinting Clearance
- Medical Clearance
- Travel:
- Bilingual: Pass a State written and/or verbal proficiency exam in
- License/Certification: Active membership in the California State Bar

Other:

### Essential Functions (including percentage of time)

- 30% Serves as the Department's Privacy Officer. Functions as the top subject matter expert for the Department in the area of privacy law, which includes HIPAA, the IPA, the HITECH Act, and other highly complex federal and statutory schemes. Independently provide the Director and Executive Staff legal analyses and advice, and policy recommendations, on all Department matters concerning federal and state laws, regulations, policies and procedures related to privacy. Drawing on his or her highly specialized knowledge of applicable federal and state legal requirements, works with the Directorate, the Department Centers, Legislative and Governmental Affairs (LGA), top level decision makers in other departments, and stakeholders, to develop and implement innovative solutions, to complex problems of the Department with respect to privacy law. Develops privacy-related policies, procedures and documentation for the Department as required by HIPAA and other state and federal privacy law.
- 25% Drafts, reviews and negotiates the Department's most complex and sensitive privacy contracts, data use agreements, and various other legal documents to ensure that confidential Departmental data is adequately safeguarded and is used and disclosed in compliance with state and federal laws relating to privacy. Acts in a lead and advisory capacity for other attorneys within OLS who draft such agreements. Administer all Department confidential data security breach legal issues, including the application of the California privacy laws—both for those applicable to the Department and to the Department's contractual business partners.
- 20% Coordinate legal breach notifications by Department programs to patients, clients, employees, and other individuals whose confidential information is breached. Lead designated member of the Department Information Security Breach Response Team. Responsible for notifying the California Health and Human Services Agency of incidents involving confidential Department data, obtaining legally complete reports from programs and for overseeing and approving corrective action plans to prevent future breaches. Act as the Department expert on the HIPAA and the HITECH Act and ensures compliance with its mandates to avoid civil and criminal liability. Act as the Department's designated point of contact for confidential privacy-related complaints as required by HIPAA and IPA and maintain the Privacy Office process to receive, document, track, legally analyze, investigate and act in all complaints of violations of privacy law, including HIPAA and IPA.
- 15% Develop and provide privacy training for of all the Department staff (and Department contractors if needed) as required by and/or to fulfill the requirements of the state and federal privacy laws, and directives from the California Health and Human Services Agency, the Office of Health Information Integrity and the Office of Information Security and Privacy Protection. Acts as a lead capacity and as an expert advisor/consultant to other attorneys within OLS with respect to his/her area(s) of subject matter expertise. Functions in a lead capacity and mentor with respect to other attorneys in the OLS relating to privacy.
- 10% Independently tracks, analyzes, interprets and provides recommended Department positions on state and federal privacy-related pending legislation for the Director, Executive Staff, the Office of Legislative Affairs, and the Health and Human Services Agency. Develops proposed Department-sponsored privacy legislation and amendments to external privacy-related legislation. Represent the Department at local, state, and national privacy-related meetings, seminars, and conferences, and in discussions on Department privacy issues with private attorneys, the Office of Health Information Integrity, the Office of Information Security and Privacy Protection, the state and federal Departments of Health

and Human Services, the federal Office for Civil Rights, and other state, federal and local government agencies, as needed.

**Marginal Functions (including percentage of time)**

<p>I certify this duty statement represents an accurate description of the essential functions of this position. I have discussed the duties and have provided a copy of this duty statement to the employee named above.</p>		<p>I have read and understand the duties and requirements listed above, and am able to perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation may be necessary, or if unsure of a need for reasonable accommodation, inform the hiring supervisor.)</p>	
Supervisor's Name	Date	Employee's Name	Date
Supervisor's Signature	Date	Employee's Signature	Date
<b>HRB Use Only:</b>	Date		
Approved By:			