

**Duty Statement**  
**Department of Managed Health Care**

<b>OFFICE:</b> Office of Plan Monitoring	<b>EFFECTIVE DATE:</b>
<b>CLASSIFICATION:</b> Attorney IV	<b>DATE APPROVED:</b> September 20, 2022
<b>POSITION:</b> 409-571-5780-007	<b>TELEWORK DESIGNATION:</b> Remote-Centered
<b>WORKING TITLE:</b> Plan Surveys Senior Attorney	

**DEPARTMENT OBJECTIVE:**

The mission of the California Department of Managed Health Care (DMHC or Department) is to protect consumers’ health care rights and ensure a stable health care delivery system. The DMHC accomplishes its mission by ensuring the health care system works for consumers. The Department protects the health care rights of more than 28.4 million Californians by regulating health care service plans, assisting consumers through a consumer Help Center, educating consumers on their rights and responsibilities and preserving the financial stability of the managed health care system.

**PROGRAM OBJECTIVE:**

The Office of Plan Monitoring (OPM) is responsible for evaluating and ensuring health care service plan regulatory compliance, quality improvement, and network adequacy as related to provision of managed health care services. The Division of Plan Survey’s (DPS or Division) public health and legal professionals plan and conduct routine and non-routine evaluations of licensed health plans and review service delivery filings for legal adequacy in order to ensure enrollees receive appropriate, sufficient, and timely care.

**GENERAL DESCRIPTION:**

Under the general supervision of the Assistant Chief Counsel, in the OPM - DPS, the incumbent performs, with a high degree of independence, handles the most difficult, complex, and sensitive legal matters related to the regulation of health care service plans pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act, Health and Safety Code Section 1340, et seq.), and other work as required. The incumbent is expected to exhibit both broad and specialized knowledge of federal and state health care laws, as well as their application and affect upon DMHC processes and procedures. Duties include: handling all aspects of complex surveys and health plan service delivery filings; acting in a lead capacity over other attorneys in researching and resolving the most complex medical survey issues which may include, planning, strategizing and participating in on-site surveys of health care service plans, making investigative inquires and coordinating with the DMHC’s, Office of Enforcement, assisting with determining the legal justification for and participating or monitoring the assigned attorney’s work on a non-routine survey; preparing, reviewing and editing reports of survey findings and memoranda concerning identified violations of applicable laws; providing expert-level legal

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advice to both DPS and department management and staff on rapidly-evolving issues in health care law, including the federal Patient Protection and Affordable Care Act, the Mental Health Parity and Addiction Equity Act of 2008, and recently enacted significant state laws; working on legislative bill analysis; and performing other special projects as required.

**TYPICAL DUTIES:**

Employee must be able to perform the following duties with or without reasonable accommodation.

**PERCENTAGE      JOB DESCRIPTION**

**Essential (E)/Marginal (M)**

- 30% (E)**      Review, evaluate, and guide the handling of the most complex medical surveys concerning health care service plans' compliance with the Knox-Keene Act and related regulations; provide expert-level legal advice, strategy, and counsel to DPS management, attorneys, staff, and contracted outside consultants; develop, implement, oversee, and evaluate strategies and tactics as to the applicability of federal and state provisions, as well as DMHC and DPS policies to survey materials, practices, and procedures; identify, oversee and provide recommendations to DPS managers, attorneys, and staff on revisions to DPS survey tools, including Technical Assistance Guides (TAGs) and worksheets related to surveys; review and provide recommendations with respect to attorney questions and concerns relating to plan policies, procedures, and filings for compliance with applicable legal provisions; and prepare time-sensitive legal opinions responding to the administration of Division of Plan Surveys and the fulfillment of its missions and goals.
- 25% (E)**      Serve as a high-level legal advisor to, and representative of, the DMHC on the most significant legal and policy matters. Consult with and advise DMHC executive staff and general counsel, deputy directors, management, program staff, stakeholders and others on emerging legal and policy issues, including federal and state health care reform affecting OPM. Facilitate and lead medical survey issue-related meetings between DPS management, staff and the DMHC's other divisions, including providing subject matter expert legal counsel with respect to current issues, policy, and potential emerging concerns. review and analyze legislative bills. Review and analyze legislation affecting DPS operations and monitor, research, and provide expert-level legal analysis and advice with respect to such legislation.
- 20% (E)**      Participate in DPS and DMHC-wide workgroups and stakeholder forums as assigned; perform a wide variety of the most difficult and complex legal research, including reviewing and interpreting legal precedents, principles, and evolving legal concepts contained within federal and state health care laws, regulations, and policies; interpret laws, rulings and regulations in order to analyze the most complex medical surveys and filings for a determination of compliance with the Knox-Keene Act and applicable regulations and requirements, and provide subject matter expert legal advice and/or legal opinions to management in relation to

health care service plan operations pursuant to the Knox-Keene Act.

**20% (E)** Act as a lead to Division Attorney III's and I's in resolving the most complex and time-sensitive medical survey and health plan service delivery filing issues.

**5% (M)** Conduct special projects as assigned.

**SUPERVISION EXERCISED OVER OTHERS:**

This position does not supervise others, but may act in a lead capacity.

**KNOWLEDGE, ABILITIES AND ANALYTICAL/SUPERVISORY REQUIREMENTS:**

The employee should be familiar with the DMHC's mission, goals, organizational structure and major work programs. The employee must also have a demonstrated positive attitude and a commitment to conduct business in a professional manner in dealing with the public and department clients and provide quality customer service to all customers, and be able to deal tactfully, professionally and confidentially with all internal and external customers and contacts. In addition, the employee must:

Have the ability to reason logically and use analytical techniques to solve difficult problems; research, understand, interpret and articulate applicable laws, rules and regulations; analyze and apply legal principles and precedents to particular sets of facts; provide clear, concise, and effective written documentation and oral presentation.

Have knowledge of legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; principles of administrative and constitutional law; trial and hearing procedure; and rules of evidence; court procedures; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered or enforced.

Have the ability to research; analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; and work effectively under pressure.

**CONSEQUENCE OF ERROR/RESPONSIBILITY FOR DECISIONS:**

The employee may have access to very sensitive and confidential information. Careless, accidental or intentional disclosure of information to unauthorized persons can have far-reaching effects, which may result in civil or criminal action against those involved.

**PHYSICAL, MENTAL AND EMOTIONAL REQUIREMENTS:**

Employees may be required to sit for long periods of time using a keyboard and video display terminal or traveling in a vehicle to other locations; must be able to organize and prioritize their work under deadline situations and adapt behavior and work methods in response to new information, changing conditions or unexpected obstacles; will be involved with sustained mental activity needed for analysis, reasoning and problem solving; must be able to develop and

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maintain cooperative working relationships, recognize emotionally charged issues, problems or difficult situations and respond appropriately, tactfully and professionally; and must be able to work independently. The employee must be able to create/proactively support a work environment that encourages creative thinking and innovation; understand the importance of good customer services and be willing to develop productive partnerships with managers, supervisors, other employees, and, as required, control agencies and other departments.

**WORK ENVIRONMENT:**

The DMHC utilizes a hybrid telework model to provide all employees with an avenue to telework while ensuring business and operational needs are met.

Remote-Centered employees are expected to maintain a safe and distraction free work environment at the approved alternate work location. Remote-Centered employees agree to adhere to the state telework policy, the DMHC's telework policy, and conditions cited in the Telework Agreement (STD 200).

Office-Centered employees are expected to maintain a dedicated workstation at a DMHC official worksite. Office-Centered employees are expected to work in a climate-controlled office or cubicle under artificial lighting.

**POSITION REQUIREMENTS:**

This position requires the incumbent maintain consistent and regular attendance; communicate effectively (orally and in writing if both appropriate) 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 regarding attendance, leave, and conduct.

**ADDITIONAL REQUIREMENTS:**

This position is required under the DMHC's Conflict of Interest Code to complete and file a Form 700 within 30 days of appointment and annually thereafter.

**SIGNATURES:**

**The statements contained in this duty statement reflect details as necessary to describe the principal functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absence of relief, to equalize peak work periods or otherwise to balance the workload.**

**Employee:** I have read and understand the duties listed above and can perform them with/without Reasonable Accommodation (RA). *(If you believe you may require Reasonable Accommodation, please discuss this with the hiring supervisor. If you are unsure whether you require Reasonable Accommodation, inform the hiring supervisor, who will discuss your questions and/or concerns with the RA Coordinator.)*

**Supervisor:** I have discussed the duties with and provided a copy of this duty statement to the employee named above.

State of California  
Health and Human Services Agency  
Department of Managed Health Care  
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EMPLOYEE NAME (PRINT)		SUPERVISOR NAME (PRINT)	
Employee's Signature	Date	Supervisor's Signature	Date