

Department of Consumer Affairs

Position Duty Statement

HR-41 (Revised 7/2015)

Classification Title	Board/Bureau/Division
CEA, Level A	Medical Board of California
Working Title	Office/Unit/Section / Geographic Location
Chief of Enforcement	Enforcement Program / Sacramento
Position Number	Name and Effective Date
629-170-7500-002	

GENERAL STATEMENT

Under the general direction of the Deputy Director of the Medical Board of California (MBC), the Chief of Enforcement, independently and through subordinate staff, is responsible for planning, organizing, and directing the operations of the Enforcement Program. This includes directing the operations of the Compliant Investigation Office (CIO), statewide responsibility for the Probation Unit, Central Complaint Unit, Expert Reviewer Program, Complaint Liaison Unit, and the Discipline Coordination Unit. The incumbent attends meetings, providing enforcement-related information on board-wide policy issues, and strategic planning. The incumbent is responsible for policy development, implementation, and evaluation of the overall operation. The Chief of Enforcement serves as principal advisor to the Deputy Director and the Executive Director providing alternatives and recommendations regarding the program operations as required by the Legislature, Business, Consumer Services, and Housing Agency, or Department of Consumer Affairs (DCA) directive and has delegated authority to act on behalf of the MBC. Duties include, but are not limited to the following:

A. SPECIFIC ASSIGNMENTS [Essential (E) / Marginal (M) Functions]**50% CASE REVIEW AND DISCIPLINARY ACTIONS (E)**

- Recommends legal or administrative action by the Board to remedy violations of the law. Represents the Board in all case settlements in order to provide disciplinary consistency.

Represents the MBC's Executive Director in negotiations with physicians and defense counsel on administrative disciplinary matters. Conducts the most complex and sensitive review of all investigations and determines whether the case should proceed to the Office of the Attorney General (AG's Office), should be closed, should have a citation and fine issued, or should result in a pre-accusation Public Letter of Reprimand (PLR). Reviews draft Accusations and Statement of Issues to ensure action is warranted. Reviews the charges to be filed based on the substantiated evidence. Approves, denies, or proposes alternatives to licensing actions. Serves as a liaison to the AG's Office regarding civil cases and investigative cases referred for administrative or disciplinary action. Provides settlement negotiation authority to the AG's Office to settle administrative actions against licensees. Acts independently to provide settlement negotiation authority to the AG's Office or negotiates alternatives for stipulated settlement agreements upon the recommendation of the AG's Office. Reviews stipulated decisions from the AG's Office. Discusses disciplinary actions with the AG's Office. Reviews proposed decisions from the Administrative Law Judge. Presents stipulated settlement agreement to Board members for adoption.

Reviews quality control investigations and reports referred to the AG's Office and to local District Attorney's for filing of administrative and/or criminal action. Reviews reports submitted by investigators and medical consultants to ensure quality control and timeliness in the completion of investigations while using policies, procedures, and case criteria on an on-going basis. Depending upon the outcome of an investigation, the incumbent will attend state-wide informal conferences, upon a licensee's appeal of a citation and fine case and offer and negotiate a PLR. Prior to submitting a case to the next level of review, the Chief of Enforcement ensures all facts are relevant to the scope of the investigation using proper investigative techniques. Ensures the outcome of the investigation fulfills the mission of the Board. The incumbent testifies before elected bodies on the Board's positions regarding proposals. Responds to requests for information regarding active investigations or administrative actions directed to the Governor's Office, members of the Legislature, the Executive Director, Board members, and Executive Staff.

20% PROGRAM OVERSIGHT (E)

- Serves as a member of the MBC's Executive Staff and is relied upon by top management to independently recommend policies and legislation that will reflect the needs of the Enforcement Program. Assists the Deputy Director and the Executive Director in administrative and executive action. Informs and consults the Deputy Director and the Executive Director of critical and current issues. Coordinates the activities of the Board to ensure uniform compliance with the Medical Practice Act. Directs, organizes, and evaluates the operation of the Enforcement Program to ensure enforcement of the Medical Practice Act. Proposes recommendation for any program changes to management to organize and maintain proper performance levels consistent with the Board's mission. Assists with the preparation of the Board's strategic plan by developing goals and action plans for the Enforcement Program. Prepares and delivers high-level presentations to the MBC Board Members and Executive Staff on emerging enforcement matters.
- Provides administrative direction for one Staff Services Manager III (SSM III), one Staff Services Manager II (SSM II), and one Staff Services Manager I (SSM I). Plans, organizes, and directs through subordinate staff the activities of the Probation Unit, Discipline Coordination Unit, Complaint Investigation Office, Expert Reviewer Program, Complaint Liaison Unit, and Central Complaint Unit in order to carry out the Board's mission through policies, procedures, regulations, Business and Professions Codes, and directives.

20% OUTREACH AND TECHNICAL ADVISOR (E)

- Responsible for the Board's Enforcement Committee by serving as the staff lead for the committee, which entails working closely with the committee chair. Sets the agenda and identifies agenda items to be discussed during meetings. Identifies speakers to give presentations before the Enforcement Committee. Responsible for content of all items included in meeting packets.
- Maintains cooperative working relationships with MBC Executive Management, the DCA's DOI – Health Quality Investigation Unit, the AG's Office, Office of Administrative Hearing, and other law enforcement organizations to share information and coordinate investigations using effective communication and interpersonal skills. Prepares high-level reports for management case level briefings, using thorough staff work techniques, as requested by Executive Staff. Prepares written correspondence, sometimes working with the Board's Public Information Officer, in order to provide responses to questions and issues posed by stakeholders, interested parties, the

media, and members of the public. Prepares and delivers high-level presentations to stakeholders, including physician and consumer groups, associations, organizations, and other stakeholder groups on both current and emerging enforcement matters.

10% POLICY DEVELOPMENT AND IMPLEMENTATION (E)

- Recommends adoption, amendment, or repeal of Board regulations and policies necessary to implement the provisions of the law. Implements new procedures to comply with legislatively mandated changes, Court Orders, departmental objectives, and changes in practices using change management strategies. Establishes procedures for the review process of investigations. Oversees the implementation of policies and procedures in order to ensure goals and objectives are consistent with the Board's mission and strategic plan. Provides input to the Board's strategic plan, in order to develop, ensure, and lead initiatives that advance the organization towards fulfilling its mission to protect health care consumers and to promote access to quality medical care. Implements and enforces the decisions of the Board. Ensures the Board's policies and directives are understood and used correctly. Manages the Memorandum of Understanding and agreements with the DCA Division of Investigation (DOI) and AG's Office, as necessary, on any mutual and respective problems to protect the public's safety using diplomacy and shared authority, as needed.

B. Supervision Received

The Chief of Enforcement (CEA, Level A) is under administrative direction of the MBC's Deputy Director (exempt).

C. Supervision Exercised

The Chief of Enforcement has direct supervision of one SSM III, one SSM II, one SSM I, and Medical Consultants, and provides indirect supervision to a subordinate SSM II, eight SSM Is, a Supervising Investigator I, and other Enforcement Program staff.

D. Administrative Responsibility

The Chief of Enforcement is responsible for, independently and through subordinate staff, the planning, organizing, and directing of the operations of the Enforcement Program. This includes the supervision and direction of the activities of the Complaint Investigation Office, statewide responsibility for the Probation Unit, Central Complaint Unit, the Expert Reviewer Program, the Complaint Liaison Unit, and the Discipline Coordination Unit.

E. Personal Contacts

The Chief of Enforcement has direct daily contact with MBC executive staff members and enforcement supervisors/managers. The incumbent has direct regular contact with Supervising Deputy Attorney Generals, the Senior Assistant Attorney General, Deputy Attorney Generals, the District Attorney's Office, the Office of Administrative Hearings, the DCA DOI, Board members, and other local, state and federal law enforcement organizations. The incumbent has direct, occasional contact with other state agencies, Business Consumer Services and Housing Agency, California Medical Association, Governor's Office, Legislature, and other health related associations.

F. Actions and Consequences

The incumbent is relied upon by top management to independently recommend policies and legislation that will reflect the needs of the Enforcement Program. The judgment exercised and the decisions made determines the effectiveness of the

Board's regulatory function and has a significant impact on the Enforcement Program, California's healthcare consumers, physicians and surgeons. If the Chief of Enforcement does not perform the position's responsibilities and duties adequately, the enforcement program would not be upholding the mission of the MBC to protect consumers through the enforcement of the Medical Practice Act. Thus, California healthcare consumers may receive improper care and be at risk to be harmed, maimed or killed at the hands of an unqualified physician or surgeon.

G. Functional Requirements

The incumbent is a Work Week Group E employee and is expected to work an average of 40 hours per work each year and may be required to work specified hours based on the business needs of the office. No specific physical requirements are required in an office setting with artificial light and temperature control or traveling to the enforcement offices located throughout the State. Daily access to and use of a personal computer and telephone is essential. Sitting and standing requirements are consistent with office work and traveling. The incumbent is required to travel throughout a geographical area by various methods of transportation. Travel may be for one or several consecutive days.

H. Other Information

Incumbent must possess excellent writing and verbal communication skills, have effective presentation skills, use good judgment in decision-making, exercise creativity and flexibility in problem identification and resolution, manage time and resources effectively, and be responsive to MBC Staff, Board and Committee Members and DCA management needs.

The incumbent may be privy to sensitive and confidential issues and/or materials and is expected to maintain the privacy and confidentiality of documents and topics pertaining to individuals or to sensitive program matters at all times.

In all job functions, employees are responsible for creating an inclusive, safe, and secure work environment that values diverse cultures, perspectives, and experiences, and is free from discrimination. Employees are expected to provide all members of the public equitable services and treatment, collaborate with underserved communities and tribal governments, and work toward improving outcomes for all Californians.

Title 11, section 703 (d) of the California Code of Regulations requires criminal record checks of all personnel who have access to Criminal Offender Record Information (CORI). Pursuant to this requirement, applicants for this position will be required to submit fingerprints to the Department of Justice and be cleared before hiring. In accordance with DCA's (CORI) procedures, clearance shall be maintained while employed in a CORI-designated position. Additionally, the position routinely works with sensitive and confidential issues and/or materials and is expected to maintain the privacy and confidentiality of documents and topics pertaining to individuals or to sensitive program matters at all times.

This position is subject to Title 16, section 3830 of the California Code of Regulations, the Department of Consumer Affairs' Conflict of Interest Regulations. The incumbent is required

to submit a Statement of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st, and within 30 days of leaving office.

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health and Safety analyst.)

Employee Signature

Date

Printed Name

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

Supervisor Signature

Date

Printed Name

Revised: 9/2024