

DUTY STATEMENT
DSH3002 (Rev. 01/2020)



California Department of
State Hospitals

Box reserved for Personnel Section

Current & Proposed	RPA #	C&P Analyst Approval	Date
Employee Name VACANT	Division LEGAL DIVISION		
Position No / Agency-Unit-Class-Serial 461-301-5780-006	Unit LEGAL		
Class Title ATTORNEY IV	Location Sacramento or Metro		
Subject to Conflict of Interest <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CBID R02	Work Week Group:SE	Pay Differential
Other			
BRIEFLY (1 or 2 Sentences) DESCRIBE THE POSITION'S ORGANIZATIONAL SETTING AND MAJOR FUNCTIONS Under the direction of the Chief Counsel, Deputy Chief Counsel, Assistant Chief Counsel the Attorney IV will handle the most difficult and sensitive legal issues involving the Department of State Hospitals (DSH). The Attorney IV is a legal specialist in the area of electronic health records (EHR), e-Discovery, electronically stored information (ESI) and the dissemination of data, documents and information maintained by the Department, including through subpoena, Public Records Act requests, court order, patient request and similar requests. The Attorney IV must operate with minimal direction.			
% of time performing duties	Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first; percentage must total 100%. (Use additional sheet if necessary).		
35%	In consultation with the Chief Counsel, the Deputy Chief Counsel, and Assistant Chief Counsel, the Attorney IV provides legal advice to department management and staff regarding interpretation of statutes, court decisions, and regulations affecting the duties, functions and responsibilities of the Department relating to Electronic Health Care Records (EHR), with responsibility to handle issues, questions and matters in the subject area. Reviews, negotiates, implements and enforces contractual terms regarding the implementation and maintenance of DSH's EHR program in compliance with state and federal law. Performs legal risk analysis, early case assessment, and assists in the creation, management, training, implementation, and enforcement of policies needed to minimize risk to the Department relating to EHR. Provides subject matter expertise and acts as expert advisor/consultant to other attorneys within Legal Division regarding EHR in collaboration with the Chief Privacy Officer. The incumbent stays up to date in technology and the law and changes to the law relating to the above subject matters.		
35%	In consultation with the Chief Counsel, the Deputy Chief Counsel, and Assistant Chief Counsel, the Attorney IV advises on best practices and procedures relating to the compilation, review, and production of electronically stored information (ESI), including data identification, collection, processing, retention, preservation, searching and dissemination of protected ESI in compliance with		

	<p>state and federal laws. Performs legal risk analysis, early case assessment, and assists in the creation, management, training and implementation of policies needed to minimize risk to the Department relating to ESI, including through the procurement, implementation and use of third-party document management programs. Provides subject matter expertise and acts as expert advisor/consultant to other attorneys within Legal Division regarding the collection, search, production and destruction of ESI in collaboration with the Chief Privacy Officer. The incumbent stays up to date in the law and changes to the law relating to the above subject matters.</p> <p>Provides legal advice to Department management and staff regarding interpretation of statutes, court decisions, and regulations affecting the duties, functions and responsibilities of the Department as it relates to responding to subpoenas, court orders, E-discovery request, PRA requests, patient record requests, requests for documents, data, ESI and information, in connection with litigation, and other similar requests, with responsibility to handle issues, questions and matters relating to the collection, organization and dissemination of data, information and documents maintained by the Department, including through the use of third party document management programs. Assist in the creation and enforcement of policies and procedures relating to the collection, production and destruction of data, information and documents maintained by the Department.</p> <p>Works with the Office of the Attorney General (OAG) in determining responses and strategy in litigation and challenges in legal matters relating to EHR including procurement and implementation of EHR programs, ESI, and to the production of data, information and documents. Conducts research, prepares memos and pleadings. Participates in litigation and discovery, including through the preparation of employees for deposition and attending depositions of DSH witnesses, alone or in conjunction with the OAG. Assists in the preparation of declarations, responses to court inquiries and responses to civil and criminal discovery requests, and the production of documents. Accompanies the OAG to court hearings and provides program expertise as needed.</p>
15%	<p>Applies reliable analytical skill to high-level assignments and projects and consistently produces favorable results in these efforts. Advises, with a high degree of independence, on the most difficult, complex, and sensitive legal matters, on the most complex litigation and in cases having significant financial, privacy, media, program or policy impact on DSH. Represents DSH at administrative hearings and in state and federal courts. Reviews, negotiates, and provides advice regarding cases, contracts, statutes and regulation and other matters related to work performed by DSH. Drafts legislative language with minimal direction regarding complex and technical matters so as to achieve, or be consistent with, DSH's goals and objectives.</p> <p>Assists and liaises with the OAG in regard to litigation, writs, and court orders in state and federal court related to the Department.</p>

	Writes controlled correspondence and legal memoranda on the most complex subjects to successfully uphold the DSH policy at issue. Assists the Chief Counsel in their role as chief legal advisor to a policy-making body.
10%	<p>Maintains a working knowledge of the applicability and implementation of the Health Insurance Portability and Accountability Act, (HIPAA), Lanterman-Petris-Short Act, Information Practices Act, Public Records Act, the Family Educational Rights and Privacy Act, 42 C.F.R. Part 2, the Confidentiality of Medical Information Act, Public Records Act, the California Code of Civil Procedure, the California Civil Code, the California Civil Discovery Act, the Federal Rules of Civil Procedure, the California Evidence Code, the Federal Rules of Evidence, the Statewide Health Information Policy Manual, State Administrative Manual, Statewide Information Management Manual and other federal and state laws as they relate the collection, use and dissemination of healthcare records, EHR, and the collection and dissemination of data, records and ESI.</p> <p>Stays current on emerging technologies and its impact upon EHR, ESI, records production, privacy, statutory requirements, regulatory requirements, providers of health care and state government. Works with, trains and prepares witnesses, medical providers, regulatory and enforcement agencies, and legislative and public stakeholders, executive level management and program staff.</p>
5%	Works with the Executive Directors of each hospital, as well as high-level management at DSH-Sacramento, to develop and implement an enterprise-wide strategy regarding risk. Performs other legal functions related to substance and the administration of the State hospitals. Performs other duties and tasks as assigned by the Chief Counsel, Deputy Chief Counsel, and Assistant Chief Counsel.
Other Information	<p>Regular and consistent attendance is critical to the successful performance of this position due to the heavy workload and time-sensitive nature of the work. The incumbent routinely works with and is exposed to sensitive and confidential issues and/or materials and is expected to maintain confidentiality at all times. The incumbent must maintain compliance with applicable ethical and professional standards while providing legal representation and advocacy for the Department.</p> <p>The Department of State Hospitals provides support services to facilities operated within the Department. A required function of this position is to consistently provide exceptional customer service to internal and external customers.</p> <p>This position will report to either the Allenby Building in Sacramento or Metropolitan State Hospital located in Norwalk. A hybrid Telework schedule, consistent with the State of California's in-office requirement, may be considered with prior approval from management. In-office work requirements</p>

	<p>for new employees may increase during the first thirty (30) days of employment based on training needs.</p> <p>Travel may be required up to 5%</p> <p>I have read and understand the duties listed above and I certify that I can perform these duties and the essential functions of this position with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the Office of Human Rights).</p>
	<p>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 Office of Human Rights).</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>_____</p> <p>Employee's Signature</p> </div> <div style="width: 45%;"> <p>_____</p> <p>Date</p> </div> </div> <p>I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>_____</p> <p>Supervisor's Signature</p> </div> <div style="width: 45%;"> <p>_____</p> <p>Date</p> </div> </div>