

## **Duty Statement**

### **Department of Managed Health Care**

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| <b>OFFICE:</b><br>Office of Enforcement                     | <b>EFFECTIVE DATE:</b>                                 |
| <b>CLASSIFICATION:</b><br>Attorney, Assistant Chief Counsel | <b>DATE APPROVED:</b><br>10/10/2025                    |
| <b>POSITION:</b><br>409-411-5871-XXX                        | <b>TELEWORK DESIGNATION:</b><br><i>Remote-Centered</i> |
| <b>WORKING TITLE:</b><br>Assistant Chief Counsel            |  |

#### **DEPARTMENT OBJECTIVE:**

The mission of the Department of Managed Health Care (DMHC) is to ensure health plan members have access to equitable, high-quality, timely, and affordable health care within 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 30.2 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 Enforcement (OE) investigates alleged violations of the Knox-Keene Health Care Service Plan Act of 1975 (the Act) under the DMHC's administrative powers as a California state licensing agency. The OE handles the litigation needs of the DMHC and seeks to compel compliance with the Act and its implementing regulations through corrective action plans and the imposition of fines and penalties for identified violations. The OE also defends the DMHC in civil lawsuits and writ proceedings arising out of its work in regulating the health care service plan industry.

#### **GENERAL DESCRIPTION:**

An Assistant Chief Counsel (ACC) of the Division of Prosecution (DOP), in the OE, works under the general direction of the Deputy Director/Chief Counsel in the OE and directly supervises a staff of attorneys. The incumbent possesses expertise in prosecuting cases involving violations of managed care laws including the provision of basic health care and mental health and substance use disorder services, quality assurance standards, timely access to care, licensure requirements, financial viability and solvency of health plans, operational issues identified by medical surveys, grievance system requirements, claims payment practices, allegations of unfair payments patterns, improper and balance billing by providers, and broker and solicitor misconduct, among other violations of the Act.

The incumbent may personally perform the most difficult, complex, and sensitive legal work of the DOP in connection with enforcement of the Act.

**TYPICAL DUTIES:**

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

|                          |                               |
|--------------------------|-------------------------------|
| <b><u>PERCENTAGE</u></b> | <b><u>JOB DESCRIPTION</u></b> |
|--------------------------|-------------------------------|

Essential (E)/Marginal (M)

- |                |  |
|----------------|--|
| <b>40% (E)</b> | As the DOP subject matter expert, the incumbent provides the Deputy Director with complete, accurate and timely legal recommendations on possible course of action concerning remedying health plan compliance. Supervises and directs the day-to-day operational activities of attorneys and other DOP staff; makes policy decisions representing a class of cases as well as whether a case dealing with DOP legal issues will or will not be prosecuted. Perform with broad discretion and independence, legal work of the most complex and sensitive nature, including conducting the most difficult and complex litigation, appellate cases, settlement, and post-trial negotiations, legal research, and hearings, when needed. Acts as lead counsel over DOP attorneys, and other DOP staff in the operational and strategic planning of an enforcement matter that rises to the level of a hearing or trial. Develops and implements legal strategy and tactics for the most complex and sensitive litigation and appeals. |
| <b>25% (E)</b> | Manages, plans, organizes, directs, and conducts investigations and legal proceedings involving the most complex violations and issues of compliance with the Act and other laws administered and enforced by the Department and affecting the public. Directs litigation strategy for Enforcement matters that will or may proceed to the Office of Administrative Hearings, California Superior Court, or California Appellate Court. Provides input on proposed legislation and regulations; formulates legal policy; and participates as a member of top management in the development and implementation of Department policy.  |
| <b>25% (E)</b> | Plans and directs all personnel functions including personnel requests, recruitment, orientation, development of staff, evaluation, and discipline. Conduct staff meetings, oversee training of staff and coordinate all reclassification and position changes affecting DOP.  |
| <b>5% (E)</b>  | Directs course of and monitors attorney preparation of opinions and analyses of the law and facts to support referrals for criminal prosecution, assists attorneys in the preparation of the most complex and sensitive criminal cases and, upon request and appointment as special prosecutor, presents the most complex and sensitive criminal cases at preliminary hearings, grand jury hearings, trials, and related proceedings. Performs research and analyses on special projects as assigned.  |

**5% (M)** Represent the Director and the Department to other State and local agencies, the Legislature, the Federal government, at meetings and conferences with a health plan, a provider, and consumer and other industry groups; requiring the ability to manage and communicate effectively at all levels.

**SUPERVISION EXERCISED OVER OTHERS:**

The incumbent supervises attorneys.

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

The employee should be familiar with DMHC 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 solve difficult personnel problems, research, understand, interpret and articulate applicable employment laws, rules and regulations.

Have knowledge and expertise with the operation and functions of the California Department of Human Resources (CalHR) and the State Personnel Board (SPB) and be knowledgeable of the California Government Code and the California Code of Regulations in the area of Human Resources.

Have knowledge and expertise with the principles and practices in public and business administration, including personnel management, classification and pay issues, labor relations, employee supervision, development and training, DMHC policies and procedures, safety, health and Equal Employment Opportunity objectives.

Have the 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; federal and state statutes and rules; rules of professional conduct; principles of administrative trial and hearing procedure and rules of evidence; court procedures; legal terms and forms in common use; statutory and case law literature and authorities; professional and ethical rules as they relate to the practice of law; appellate proceedings; rules of evidence and conduct of proceedings in trial and appellate courts of California and the United States and before administrative bodies; and provisions of laws and Government Code sections administered or enforced. Principles of public administration, personnel management and supervision.

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 and memoranda 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; independently present difficult and complex cases before Administrative Law Judges; prepare, present, and handle legal cases; direct the work of clerical and professional assistants; edit written documents written by oneself, as well as those produced by others, for accuracy and effectiveness; analyze situations accurately and adopt an effective course of action; reason logically; exercise good judgment; effectively plan and engage in discovery, including depositions and interrogatories, and to compel production or attendance of/at same; independently prepare and present difficult and complex cases before boards, commissions, trial courts, and appellate courts; independently present difficult and complex cases before administrative bodies.

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

The office relies upon the employee to serve in a leadership role. Failure to demonstrate leadership and appropriate supervision can result in an inefficient use of resources, low employee morale, and poor employee retention.

Failure to appropriately manage the cases in the office can cause poor case outcomes, lost opportunities to impact plan behavior, failure to achieve strategic goals, failure to keep the Executive leadership appropriately informed, and negative public attention for the Department.

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.

The employee is responsible for complying with the Information Practices Act (IPA) by protecting departmental employees' confidential information, including but not limited to social security numbers, medical or employment history, education, financial transactions or similar information. Failure to protect department employees' confidential information may damage DMHC's reputation as a confidential organization, may result in employee grievances or lawsuits, and, pursuant to California Civil Code section 1798.55, could result in disciplinary action, including termination of employment.

**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 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.

Note: Any business travel reimbursements will be done in accordance with the approved applicable Memorandum of Understanding (MOU).

**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  
**DUTY STATEMENT**  
DMHC 62-137 New: 12/04 Rev: 05/2023

|                       |      |                         |      |
|-----------------------|------|-------------------------|------|
| EMPLOYEE NAME (PRINT) |      | SUPERVISOR NAME (PRINT) |      |
| Employee's Signature  | Date | Supervisor's Signature  | Date |