

## **Duty Statement**

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

<b>OFFICE:</b> Office of Enforcement	<b>EFFECTIVE DATE:</b>
<b>CLASSIFICATION:</b> Attorney III	<b>DATE APPROVED:</b> 11/17/2025
<b>POSITION:</b> 409-411-5795-XXX	<b>TELEWORK DESIGNATION:</b> Remote-Centered
<b>WORKING TITLE:</b> Attorney III	

#### **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 Department has a unique and important role in the protection of the health and wellbeing of Californians. The Knox-Keene Health Care Service Plan Act (the Act) requires the Department to ensure that enrollees are provided with timely access to quality health care services and is one of the only stand-alone watchdog healthcare agencies in the nation, mandated by the Legislature to protect and promote the interests of enrollees in healthcare service plans. The Department's Office of Enforcement (Enforcement) investigates allegations of wrongdoing and prosecutes those found to be in violation of the Act.

#### **GENERAL DESCRIPTION:**

Under the general direction of the Assistant Chief Counsel, the incumbent is assigned to the Division of Prosecution (DOP) and performs specialized sensitive, difficult, and the more complex legal work of the Department in connection with the enforcement of the Act; and does other work as required. The incumbent is expected to act as the expert in litigation of greater difficulty and sensitivity, and may advise the General Counsel as well as executive management. The incumbent is assigned to the Office of Enforcement to provide legal and policy advice on administrative, procedural, and regulatory issues and projects that have a significant impact on public health and health policy, and any political impact on the Department.

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

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| <b>45% (E)</b> | Performs, with broad discretion and independence, legal work of a complex and sensitive nature, including the prosecution of the more complex litigation involving violations of the Act. May act as a lead in negotiations on a case and personally perform legal research, and draft pleadings involving various allegations of Knox-Keene Act violations, including, but not limited to allegations of misconduct or fraud by Medicare Advantage solicitors, a plan's operational and financial deficits requiring seizure or other action, statutory monitoring, evaluation and participation in the Department's survey process, a plan operating without a license, a discount plan, providers improperly billing an enrollee, allegations of unfair payment patterns by a health plan, grievance system violations, de-delegation of a health plan's risk to risk bearing organizations, or other violations of the Knox-Keene Act and regulations. |
| <b>25% (E)</b> | Plans, organizes, directs, and conducts investigations, discovery and legal proceedings involving suspected violations of the Act enforced by the Department and affecting health plan enrollees. Directs the operational activities of investigators, examiners, and legal assistants in enforcement activities; and acts as a mentor over lower level attorneys and assists other attorneys. Litigates Enforcement cases at the Office of Administrative Hearings, California Superior, and Appellate Courts. Litigation may include, for example, witness preparation and examination, expert witness retention, preparation, examination, cross-examination of adverse witnesses, brief writing and preparation of other legal documents, depositions, trial/hearing and appeals.  |
| <b>20% (E)</b> | Prepares interpretive opinions and analyses of the law and facts of a case or inquiry to support recommendations to upper management. Opinions may be presented in oral or written briefing formats.   |
| <b>5% (E)</b>  | Develops and implements strategy and tactics for the most complex and sensitive litigation and appeals.  |
| <b>5% (M)</b>  | Performs research and analysis on special projects as assigned and other related duties.   |

**SUPERVISION EXERCISED OVER OTHERS:**

Does not supervise others.

**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 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.

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.

A greater degree of these "Knowledge and Abilities" is required at each higher level.

**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. Attorneys are reminded that they are subject to the California Rules of Professional Conduct and applicable provisions of the California Business & Professions Code, and may be subject to discipline by the California State Bar.

**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. Position may require travel to and from various locations in and out of California for appearance in court or other activities related to the prosecution of a matter.

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.

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