

PROPOSED
Department of Health Care Access and Information
Duty Statement

Employee Name Vacant	Organization HCAI Legal Office	
Position Number 441-609-5871-960	Location Sacramento	Telework Option Hybrid
Classification Assistant Chief Counsel	Working Title Assistant Chief Counsel	

General Description

The Assistant Chief Counsel (ACC) reports to the HCAI Chief Counsel. The ACC is a principal manager for the Legal Office, leading a team of attorneys and analysts to provide client-centered legal and policy advice and assistance within a broad range of administrative and legal matters, primarily the proper handling of sensitive and confidential data, and activities including litigation, statutory and regulatory issues, 21st Century Cures Act, Health Insurance Portability and Accountability Act, the Confidentiality of Medical Information Act, 42 C.F.R Part 2 related to substance use disorder treatment records, Information Practices Act, and compliance with all relevant laws relating to public agencies. The ACC plans, organizes, directs, and reviews the work of Legal Office attorneys, and is responsible for assessing workload and making assignments based on available resources and the needs of the department. Requiring minimal supervision from the Chief Counsel, the ACC independently works as a legal expert to provide client-centered legal and policy advice and assistance on all matters as required by the department, including statutory and regulatory issues, administrative hearings, and civil litigation.

The ACC should be familiar with HCAI’s mission, goals, organizational structure, and programs. The ACC must also demonstrate a positive attitude and a commitment to act in a professional manner in dealing with the public and department clients, 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 ACC must be:

- Able to solve difficult personnel problems, research, understand, interpret, and articulate applicable employment laws, rules, and regulations, apply legal principles and precedents to particular facts; provide clear, concise, and effective written documentation and oral presentation.
- Knowledgeable and have experience with the functions of the California Department of Human Resources (CalHR) and the State Personnel Board (SPB), and state human resources laws and regulations.
- Knowledgeable and have experience with the principles and practices in public and business administration, including personnel management, employee supervision, development, and training, HCAI policies and procedures, Equal Employment Opportunity objectives, and the Information Practices Act (IPA).

The position is designated under the Department’s Conflict of Interest Code.

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Supervision Received	Reports to the Chief Counsel with minimal supervision.
Supervision Exercised	The ACC acts in a lead capacity over the work of other attorneys.
Physical Demands	Must possess and maintain sufficient strength, agility, endurance, and sensory ability to perform the duties contained in this duty statement with or without reasonable accommodation.
Typical Working Conditions	Requires use of computing devices and phones, frequent face-to-face contact with management, staff, consultants and the public, verbal, written and digital (e-mail) communication, extensive review, analysis and preparation of electronic and written documents, assessment of practical demonstrations, mobility to various areas of the Department, occasional travel and overnight stays to training/conferences or the Los Angeles field office may also be required, and work hours may deviate from core business hours based on the service requirements of the Department.

Job Duties

E = Essential, M = Marginal

- 25% E Directs the work of the Legal Office’s professional legal staff. Plans, organizes, directs, and provides managerial review of the work performed by staff in the Legal Office. Expected to appropriately evaluate and delegate assignments, prioritize work assignments, and ensure consistent and accurate legal advice is provided by subordinate legal staff. Recruits, hires, trains, develops, and provides leadership to staff. Complies with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices, including hiring, employee development, and management. Provides regular and timely written performance appraisals to staff. Identifies appropriate long-range plans and goals to address succession planning and knowledge transfer. Counsels staff and initiates disciplinary actions as necessary. Uses appropriate time management methods to ensure work is completed properly and on time by appropriately calendaring, monitoring the status of all assignments, and anticipating future tasks. In addition, the ACC is expected to complete requests and justifications for additional resources, and develop and implement policies and procedures applicable to the internal functions of the Legal Office in coordination with the Chief Counsel.
- 25% E Provides legal interpretation, analysis, advice and recommendations to the Director and Chief Deputy Director and other high-level management staff concerning privacy and security laws applicable to health and human services information and health information exchange, advises on the development of privacy, security, and data management policies and procedures. Prepares formal legal opinions, legal briefs, motions, pleadings, and directs legal research; drafts

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proposed legislation, rules, regulations and policies related to the operations of the Office and its programs; disseminates legal advice and recommendations involving complex legal issues related to critical contracts, appeals, litigation, regulations, and legislation.

Conducts extensive legal research concerning privacy and security laws applicable to health information and other sensitive data, including advisement regarding policies and procedures, as well as assist in the review and preparation of department regulations ensuring compliance with the Administrative Procedure Act.

25% E Takes an active role in the HCAI data privacy and security program by providing Privacy Law subject matter expertise. Drafts, reviews, and revises department data governance policies and procedures to ensure the secure collection, management, and dissemination of health information and other sensitive data. This involves ongoing interactions with private sector leaders as well as intra-government work with other state department attorneys and HCAI executive management.

Provide expert counsel regarding legislation proposals and meet with legislative staff and advocates. Analyze draft and/or pending legislation and provide recommendations as needed, draft bill analyses. Draft and provide advice to HCAI regarding legislative proposals. Respond to requests for public records, subpoenas, and represent HCAI and HCAI staff during discovery, in depositions and at trial, as necessary.

10% E Meets frequently with high-level staff within HCAI and sister agencies to coordinate on legal and policy issues impacting the department. Participates in the development and implementation of legal and departmental policy and represents HCAI before tribunals, boards and other external forums on legal issues related to the department.

10% E Acts on behalf of the Chief Counsel in their absence. Attends public meetings and provide procedural guidance and advice to HCAI boards and commissions on compliance with the Bagley-Keene Open Meeting Act. Conducts staff meetings.

5% M Perform other duties as assigned

Other Expectations

- Demonstrate a commitment to performing duties in a service-oriented manner.
- Demonstrate a commitment to building an inclusive work environment that promotes HCAI's diversity, equity and belonging where employees are appreciated and comfortable as their authentic selves.
- Demonstrate a commitment to maintaining a work environment free from workplace violence, discrimination, and sexual harassment.
- Demonstrate a commitment to HCAI's Mission, Vision, and Goals.
- Demonstrate a commitment to HCAI's Core Values and Guiding Principles.
- Maintain good work habits and adhere to all HCAI policies and procedures.

To Be Signed by the Employee and Immediate Supervisor

I have read and understand the duties and expectations of this position

I have discussed the duties and expectations of this position with the employee.

Employee Signature/Date

Supervisor Signature/Date