DUTY STATEMENT
DSH3002 (Rev. 01/2020)

California Department of State Hospitals

Box reserved for Personnel Section

	RPA #	C&P Analyst Approval	Date
Employee Name	**Division** Legal Division		
Position No / Agency-Unit-Class-Serial 461-301-5795-015	**Unit**		
Class Title Attorney III	**Location** DSH-Sacramento or DSH-Metropolitan		

Subject to Conflict of Interest	CBID	Work Week Group:	Pay Differential	Other
☒Yes ☐No	R02	SE		

Briefly (1 or 2 sentences) describe the position's organizational setting and major functions
Under the general direction of the Chief Counsel, the Deputy Chief Counsel, the Assistant Chief Counsel or Attorney Supervisor(s), the Attorney III provides senior-level legal support and counsel to the Director, Executive Staff, and various program and operational divisions of the Department of State Hospitals (DSH) on complex and sensitive legal issues related to privacy, litigation, and document and data production.

% 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%	Monitors litigation pending against the Department in which representation is being provided by the Office of the Attorney General. Assists the assigned Deputy Attorney General (DAG) in development of and review of draft pleadings, motions, and discovery responses. Assists in the identification of relevant witnesses and documents. Assists in the preparation of witnesses for testimony and ensures records are properly redacted prior to production of documents. Provides education and awareness to DAG on hospital operations and data de-identification and privacy requirements. Participates in case evaluations, mediations and settlement conferences in litigated matters. Advises on Department information, data and document production. Performs legal research, drafts memoranda, provides advice and recommendations, interfaces and advises on subpoenas, and Public Record Act and Information Practices Act requests. Assists with development of responses to requests for records submitted pursuant to the Public Records Act and the Information Practices Act, or via criminal, civil or administrative subpoenas. Ensures information and records are properly redacted prior to release. Conducts research and legal analysis on privacy incidents and questions pertaining to DSH's privacy obligations pursuant to its status as a Health Information Portability and Accountability Act (HIPAA) covered entity. Researches questions and incidents pertaining to HIPAA, the privacy provisions of the Lanterman-Petris-Short Act; the Information Practices Act, the Confidentiality of Medical Information Act;

	the Statewide Health Information Policy Manual, the State Administrative Manual Chapter 5300, and related privacy policies and statutes. Interfaces and advises Human Resources and Risk Management regarding patient and employee privacy Provide education and awareness to stakeholders, Department clients, and the public regarding the Department's data deidentification and privacy requirements as it relates to record production and data sharing. Maintains updated knowledge on legal issues, case law, and legislative changes that impact DSH. Performs legal research, drafts memoranda, provides legal advice and recommendations to DSH clients, responds to questions from DSH clients and stakeholders, prepares and presents training and education to DSH Legal staff and DSH program or hospital staff about all of the above. Provides written and oral responses to inquiries from the Governor's Office, the Health and Human Services Agency, and State control departments. Interacts with DSH staff, as well as opposing counsel, representatives who have a high level of expertise or specialization, judges, and other county or state stakeholders.
20%	Assignments relating to Government & Hospital Operations: Responds to questions about mental health funding and fiscal controls. Advises on policy and best practices in subject areas such as employment, contracts, law enforcement, regulations, facilities projects, and conflicts of interest. Work may include drafting and reviewing contracts and assisting with contract negotiations, representation of the department in employment litigation before the State Personnel Board, California Department of Human Resources, or Department of Industrial Relations. Performs legal research and provides legal advice on complex issues involving, but not limited to employee performance management and employment actions, patient cost of care, regulations, legislation, property rights, landlord tenant issues, intellectual property, potential conflicts of interest, CalOSHA audits, risk management, data sharing, and departmental contracts, including registry and services contracts.
20%	Assignments relating to Patient Care & Stakeholder Engagement: Provides legal advice and guidance in response to questions pertaining to forensic and civil commitments, including for individuals who are found incompetent to stand trial (IST), to be an offender with a mental health disorder (OMD), not guilty by reason of insanity (NGI), to meet criteria as a sexually violent predator (SVP), or committed pursuant to the Lanterman-Petris-Short (LPS) Act. Drafts petitions and represents the Department at administrative and superior court hearings pertaining to patient admission and treatment needs, including at involuntary medication hearings under Penal Code section 1370 or title 9 section 4210 of California Code of Regulations, hearings regarding electroconvulsive therapy (ECT), or involuntary health care hearings pursuant to Probate Code section 3200. Represents the department at superior court hearings on Motions for

	Reconsideration or Clarification and Orders to Show Cause, regarding DSH's compliance with commitment orders and proceedings, including regarding admissions or reporting delays. Collaborates and assists as a DSH liaison for the Office of the Attorney General on complex commitment related issues, including lawsuits filed against the Department, appeals of court orders issued regarding patient admission and care
15%	Attends hearings, trials, depositions, and mediations relating to litigated matters or subpoenas. Coordinate, lead, and facilitate meetings and hospital tours with stakeholder groups. Attend in-person, on-site meetings and tours when requested. May include travel to any of DSH's hospitals or contracted programs across California. Attends conferences and trainings, as necessary to support development of effective stakeholder relationships and provide education and training to key partners.
10%	Other duties as assigned.
Other Information	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. The incumbent may also be required to travel throughout California as needed, with prior notice. As indicated in the duties listed above, extensive travel is required to attend and participate in litigation and subpoena matters, trainings, audits, and to meet with staff and others at hospitals or other locations as the operational needs of the Legal Division and Department of State Hospitals dictate. Travel is an essential function of all of the duties specified above. 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 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. 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). _____ _____ Employee's Signature Date

	I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above. _____ _____ Supervisor's Signature Date