

## Department of Consumer Affairs

### Position Duty Statement

HR-041 (new 7/05)

<b>Classification Title</b>	<b>Board/Bureau/Division</b>
Inspector II	Medical Board of California
<b>Working Title</b>	<b>Office/Unit /Section / Geographic Location</b>
Probation Monitor	Probation –
<b>Position Number</b>	<b>Effective Date</b>
629-XXX-8833-XXX	

Under general direction of an Inspector III, the incumbent conducts independent inspections and manages a caseload of difficult and complex probationers. The Probation Inspector works as a subject matter expert, in a Lead capacity, and monitors probationers' compliance with the requirements set forth in disciplinary orders and identifies and refers compliance issues to the Inspector III for further action. The incumbent is required to travel regularly throughout assigned geographic areas. The incumbent may act as a lead person and provides training to lower level staff. The selected candidate is subject to a background investigation including fingerprint and medical clearance.

#### A. **SPECIFIC ASSIGNMENTS** [w/Essential (E) and Marginal (M) Functions]

##### **65% Probation Case Monitoring (E)**

###### ***(Driving, sitting, balance and carrying required)***

- Plans, organizes and performs the work of inspecting the professional activities of the physician/probationer for compliance with the law. Reviews the final legal decision from the administrative action placing the physician on probation; identifies the terms and conditions which must be met during the probationary period and the timeframes for completion. Meets with the probationer for an initial intake and reviews each of the terms and conditions to ensure they understand what is required during the period of probation. Interprets and explains laws, rules, regulations and policies to the licensee/probationer. Maintains on-going contact with physician/ probationer to explain the requirements and determine status of completing the ordered terms and conditions. **(25%)**
- Retrieves and evaluates the documentation produced by the probationer and required as a condition of probation (i.e., quarterly declarations, practice monitor reports, controlled substances logs, chaperone logs and notifications made to patients regarding limits on practice); reviews and independently validates the accuracy of information reported by probationer by obtaining reports from the Controlled Substance Utilization Review and Evaluation System (CURES), interviewing the probationer's office staff and patients, if necessary. **(20%)**
- Locates and routinely conducts independent inspections and scheduled and unscheduled interviews with probationers, employers, hospital/medical staff, practice monitors and other individuals as needed to confirm and ensure the physician is complying with the terms of probation. Reports prescriptions for controlled substances in compliance with biological fluid testing to MBC's biological fluid testing contractor. **(10%)**

- Review background information on proposed practice monitors, treating physicians, chaperones, etc. to determine whether the individual should be approved to monitor the physician on probation; advise the probationer in writing of the approval or denial of the nominee. **(5%)**
- Consults with Deputy Attorneys General regarding possible violations of probation; seeks guidance on whether issues identified represent a probation violation and clarifies what evidence may be needed to support violation; gathers, maintains, and preserves evidence or property, in compliance with MBC policy needed to refer a case for investigation. Consults with District Medical Consultants as needed to review medical and psychiatric evaluation reports to determine if the findings suggest that any further restriction on the probationer's practice might be indicated; seeks direction on controlled substances either being prescribed to or by the probationer for appropriateness; and on other concerns/issues raised that relate to compliance with probationary terms. **(5%)**

**25% Reports, Correspondence, and Documentation (*Sitting required*) (E)**

- Prepares concise, detailed reports after the intake interview with the probationer and each quarter thereafter relaying the progress of physician's compliance with the terms and condition of probation; prepares reports of non-compliance when a physician fails to comply with a term of probation which is used to generate a citation and fine, field investigation, or referral to the Attorney General's (AG) office for further administrative action. **(20%)**
- Prepares correspondence to probationers formally documenting any issues related to non-compliance with the ordered terms and conditions; prepares correspondence to employers, the probationer's treating physicians, practice monitors, chaperones, etc. relating the expectations required of individuals surrounding the physician on probation and the responsibilities they are assuming for monitoring and reporting possible probation violations. **(5%)**

**10% Administrative Tasks (*Sitting required*) (M)**

- Files reports and documents submitted as part of monitoring the physician's compliance with probation. Acts as a leadperson and provides field training for new inspectors on case management and conducting interviews. **(5%)**
- Prepares and performs internal administrative functions such as daily, weekly, monthly, and quarterly activity reports, attendance reports, travel claims, and mileage logs. Assists the Inspector III as needed in preparing workload statistical reports. Serves suspension orders on probationers and collects prescription pads, the physician's medical license, and any controlled substances maintained in the office until suspension has been lifted. Cooperates with the field investigator and participates and testifies in administrative hearings if a probation monitoring case is referred to the AG's Office for further administrative action. **(5%)**

**B. Supervision Received**

The Inspector II reports to and receives the majority of assignments from the Inspector III or Staff Services Manager I.

**C. Supervision Exercised**

None

**D. Administrative Responsibility**

None

**E. Personal Contacts**

Regularly coordinates with other MBC staff/Inspectors regarding record and document gathering and other probation monitoring work. Communicates regularly with the Inspector III regarding the status of the probation caseload. Provides field training for new inspectors on case management and conducting interviews. Participates in occasional meetings and consults with other probation staff and MBC management regarding probation monitoring processes. Regularly interviews probationers, medical staff, treating physicians and practice monitors. Has regular communication with other MBC units including (but not limited to) the Licensing Program, Discipline Coordination Unit and Central Complaint Unit.

**F. Actions and Consequences**

Failure to effectively monitor the probation caseload in a timely manner, or inefficiency in monitoring probationers, may result in probationers completing their probationary term without satisfying all terms and conditions. Inadequate monitoring of probationers may result in allowing a violation of the probationary terms and conditions to go undetected or corrected. In addition, an inadequate monitoring of probationers may result in the non-compliant probationers to continue to violate the probationary terms and conditions.

**G. Functional Requirements**

The Inspector works 40 hours per week in an office setting, with artificial light and temperature control. Daily access to and use of a vehicle, personal computer and telephone are essential. Sitting and standing requirements in the office are consistent with office work. In addition, the Inspector may spend approximately 50% of their time in the field, which includes sitting/driving and walking.

**H. Environmental Conditions**

The Inspector will work both indoors and outdoors, depending on the situation, he or she is involved in, at any given time. While indoors, the temperature and humidity is reasonably controlled, but while out of doors, the Inspector is exposed to climatic conditions. While driving, the Inspector is exposed to dust and fumes. The Inspector may occasionally be exposed to toxic materials or have contact with persons believed to have tuberculosis, infectious hepatitis or other contagious disease. There is a reasonable expectation of contact with blood-borne pathogens or other potentially infectious materials or chemicals.

**I. Other Information**

The Inspector is responsible for an assigned vehicle and requires the possession of a valid driver license (appropriate class) issued by the Department of Motor Vehicles. The Inspector must be able to travel throughout an assigned geographic area, manage a caseload of probation monitoring cases over extensive periods of time, develop

strong organizational skills, and demonstrate effective verbal and written communication skills.

The Inspector must be familiar with and interpret and explain applicable provisions of laws, rules and regulations and the ordered terms and conditions of probation. Inspector must exercise possess good communication skills, use good judgment in decision making, manage time and resources effectively, be able to work efficiently and cooperatively with others in a team setting or independently. Inspector must be able to work under changing priorities and deadlines. The Inspector routinely works with sensitive and confidential issues and/or materials and is expected to maintain the privacy and confidentiality of documents and topics pertaining to individuals or to sensitive program matters at all times.

Background Check

Title 11, section 703D California Code of Regulations requires criminal record checks of all personnel who have access to Criminal Offender Record Information (CORI). Pursuant to this requirement, applicants for this position will be required to submit fingerprints to the Department of Justice and be cleared before hiring.

**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 your supervisor. If unsure of a need for reasonable accommodation, inform the supervisor, who will discuss your concerns with the Health & Safety analyst.)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.**

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name