

<b>Classification Title</b>	<b>Board/Bureau/Division</b>
Staff Services Analyst	Medical Board of California
<b>Working Title</b>	<b>Office/Unit/Section / Geographic Location</b>
	Enforcement-Discipline Coordination Unit (DCU)
<b>Position Number</b>	<b>Effective Date</b>
629-170-5157-XXX	

Under supervision of the Staff Services Manager I, the incumbent is responsible for ensuring that procedural due process is afforded to all parties involved in a Board disciplinary action. The incumbent receives, analyzes and processes a wide variety of legal documents and related materials pertaining to disciplinary actions affecting licensees of the Board.

A. SPECIFIC ASSIGNMENTS [Essential (E) / Marginal (M) Functions]

**60% Preparation and Tracking of Disciplinary Actions (E)**

Reviews documents which include, but are not limited to, legal pleadings, orders of suspension, and decisions, for completeness and accuracy ensuring that the applicable violations and the Board’s legal authority are cited properly and accurately. Ensures the appropriate violations, laws and regulations are charged in the document based on the description of the offense. Contacts the deputy attorney general and advises them of the proposed changes and makes changes to the documents as approved. **(25%)**

Consults with Deputy Attorneys General, respondents’ attorneys, staff counsel, Administrative Law Judges, senior management in the Board’s Enforcement Program and others, regarding the status of pending administrative actions, including cases reaching the statute of limitations without a pleading being filed, timeliness in preparing legal pleadings, scheduling hearings, receipt of proposed decision after hearing, etc. Advises senior management of administrative cases which failed to meet the agreed timeframes for prosecution by the Office of the Attorney General. **(15%)**

Produces legal documents and attachments for service on the respondent, for review and consideration by panel members which includes, but is not limited to, legal pleadings, orders of suspension, decisions, transcript, and exhibits. Secures signatures of Board officials and members on disciplinary orders and serves the documents on parties to each action. Ensures copies of written correspondence received from licensees, complainants, attorneys, deputy attorneys general, other agencies, etc., are disseminated to the opposing party and responded to as appropriate. **(15%)**

Acts as resource to public, other governmental agencies and Board staff regarding the status of disciplinary actions including interpreting disciplinary documents, state laws and regulations, and other materials in response to written, telephone and in-person inquiries. Composes and prepares closing letters to complainant(s) when the deputy attorney general chooses not to file a disciplinary action, advising the complainant why the deputy attorney has declined to prosecute the licensee based on their complaint. **(5%)**

**20% Analysis of Disciplinary Actions taken by Other Regulatory Boards (E)**

Reviews legal documents gathered from other state regulatory boards to identify whether the administrative action taken against the dual-licensed physician is considered “discipline” and

would potentially represent a violation of California law. Prepares a recommendation for Staff Services Manager identifying the comparable California discipline (e.g., suspension, revocation, surrender, public reprimand, citation, etc.) to pursue against the licensee or recommends no disciplinary action. **(10%)**

Prepares AG transmittal memo for cases being referred for administrative action for the signature of the Chief of Enforcement and assembles the relevant documentation as evidence to support the administrative action. **(5%)**

Prepares an "offer letter" to physicians for the signature of the Chief of Enforcement when a Public Letter of Reprimand is determined to be the appropriate comparable disciplinary action and prepares the proposed verbiage for the "Public Letter of Reprimand" identified the act or omission that lead to the discipline. **(5%)**

#### **10% General Analytical Work (M)**

Develops and updates procedure manuals, policies and other management tools. Develops and presents recommendations to management regarding changes in policies and procedures related to the processing of disciplinary actions as delineated above to ensure that cases referred to the Office of the Attorney General are handled expeditiously. **(5%)**

Prepares correspondence for the signature of the Chief of Enforcement or Executive Director to respond to inquiries from licensee, attorneys, and general public related to actions taken by the Board. **(5%)**

#### **10% Breeze Maintenance (E)**

Reviews, researches, updates and maintains data on Breeze to document the status of disciplinary actions in progress, update disciplinary action records to reflect the assignment of the Deputy Attorney General, the service of documents on the parties, hearing dates, resolution of cases after hearing, the processes used by the staff to review and investigate a complaint, to affect legal service on disciplinary documents and to document communication with all involved parties including the respondent, the attorneys, the victims/patients, etc, to ensure the MBC has accurate data with which to produce annual statistical reports detailing the types of administrative actions taken by the Board and the results of those actions as well as providing statistical information on the length of time it takes to investigate and prosecute cases.

#### **B. Supervision Received**

The incumbent works under the direction of the Staff Services Manager I, Discipline Coordination Unit.

#### **C. Supervision Exercised**

None

#### **D. Administrative Responsibility**

None

#### **E. Personal Contacts**

The incumbent will have constant and direct contact with licensees and/or their legal representatives, MBC investigators, MBC Enforcement Management, Deputy Attorney Generals, MBC and DCA Staff Counsels, Administrative Law Judges and Board Members. The incumbent has direct daily contact with co-workers (which includes but is not limited to) headquarters staff, staff counsel, MBC management and district office staff. In addition the incumbent has direct and frequent contact with the Office of the Attorney General, District Attorney's Office, Administrative Law Judges and other local, state and federal agencies regarding cases which can be of a complex and sensitive nature.

F. Actions and Consequences

The incumbent's failure to perform the duties adequately may result in the improper preparation and service of legal documents on the licensee which could significant jeopardize

the Board's ability to proceed with disciplinary action against a physician whose care may have contributed to a patient's death or serious bodily injury. Failing to timely prepare and serve documents such as suspension orders, accusations and the board's decision on the disciplinary matter potentially places California's healthcare consumers in a harmful situation and raises concern that the MBC is not carrying out its mission to protect the public.

G. Functional Requirements

No specific physical requirements are required: the incumbent works 40 hours per week in an office setting, with artificial light and temperature control. Daily access to and use of a personal computer and telephone is essential. Sitting and standing requirements are consistent with office work.

H. Other Information

Incumbent must possess good written and verbal communication skills, use good judgment in decision-making, exercise creativity and flexibility in problem identification and resolution, manage time and resources effectively, and be responsive to MBC Staff, Board and Panel Members and DCA management needs.

The incumbent may be privy to 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.

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

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Employee Signature Date

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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.

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Supervisor Signature Date

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Printed Name

Revised: TK 6/2014  
Approved: