

Department of Consumer Affairs

Position Duty Statement

HR-041 (new 5/04)

Classification Title	Board/Bureau/Division
Associate Governmental Program Analyst (12-Month, Limited-Term)	Medical Board of California
Working Title	Office/Unit/Section / Geographic Location
	Enforcement/CCU – Sacramento
Position Number	Effective Date
629-170-5393-815	

Under the direction of the Staff Services Manager I, Physician Conduct Section, the Associate Governmental Program Analyst (AGPA) performs with independence the most complex and analytical duties within the Central Complaint Unit (CCU) including the analysis of complaints alleging fraud and the “corporate practice” of medicine, and complaints filed against physician assistants, podiatrists and midwives. The AGPA frequently and independently interprets laws, rules and regulations including, but not limited to, the Medical Practice Act within the California Business and Professions Code, the Health and Safety Code, the Code of Civil Procedures, the Penal Code and the Government Code, to identify possible violations. Specific duties include, but are not limited to, the following:

A. Specific Assignments [Essential (E) / Marginal (M) Functions]

65% Complaint Review and Analysis (E)

- Independently analyzes case file documents for complaints alleging the corporate practice of medicine, including Management Services Agreements between physicians and management companies, to determine whether a business is structured appropriately; reviews legal documents filed with the Secretary of State (if business is incorporated) to determine if the business relationships, partners or shareholders and corporate structure are consistent with laws related to medical business structures and ownership requirements; negotiates with licensees, attorneys and unlicensed persons to bring businesses into compliance with applicable laws. **(15%)**
- Independently evaluates and analyzes complaints received from the general public, other licensees, law enforcement agencies, etc., which pertain to the practice of medicine by licensed California physicians, podiatrists, physician assistants, midwives and unlicensed individuals to identify possible violations of the law. **(15%)**
- Independently prepares comprehensive analysis and reports which show findings and evidence collected during review. Composes timely, complex, and sensitive correspondence to document violations of the law. Applies policies, procedures, laws and regulatory requirements to make critical determinations regarding violations of the law and, if necessary, to secure a review by a medical consultant, recommend a field investigation for possible violations of the law, or recommend closure without further review. Makes recommendations to the Staff Services Manager regarding disposition of physician and midwife complaints, and the appropriate penalty available for cases not supporting disciplinary action. Makes recommendations to the Executive Officers of the Podiatry Board and the Physician Assistant Board regarding

disposition of cases being referred for closure without a review by a consultant/expert. Determines merit for cases requiring formal field investigation, and transmits cases for formal field investigation. Determines if case warrants further review by the Office of the Attorney General. **(15%)**

- Independently identifies and gathers evidence and information necessary to substantiate a violation including detailed information from complainant(s), patient records, and legal documents to determine business structure and the relationship between shareholders. **(10%)**
- Reviews prior investigations and/or complaints to determine whether the allegations indicate a pattern which would warrant more aggressive action. Works closely with investigators to gather, collect, and evaluate evidence, and secure patient records. Consults with legal counsel, investigators, expert consultants and the Attorney General's Office regarding complex enforcement matters. **(5%)**
- Provides verbal and written responses to complex inquiries regarding enforcement matters to complainants, the general public, Medical Board of California (MBC) staff, and staff at the Board of Podiatry and the Physician Assistant Board. Prepares correspondence on behalf of the Staff Services Manager, Deputy Director, Executive Director, or Executive Officers to address complainant concerns. Prepares detailed letters to complainants relaying status and final disposition of complaints. **(5%)**

25% (E) Board of Podiatric Medicine and Physician Assistants Board Complaint Evaluation

- Independently reviews the podiatric medicine and the physician assistant complaint files which must be referred to a medical consultant to ensure that the appropriate materials have been obtained. Identifies the most appropriate podiatric medical consultant or physician assistant consultant to review the issues raised in the complaint. Assembling and preparing the case file for shipping to the podiatric medical consultant or physician assistant consultant. Researching and responding to inquiries from consultants regarding their reviews and other issues related to the practice of podiatric medicine or the practice of a physician assistant.
- Coordinates and assists the podiatric medical consultant panel of approximately 12 doctors. Works with the Podiatry Board's enforcement staff to compile and maintain the consultants' training manual. Assists in presenting training sessions at consultant meetings with Podiatry Board executive and enforcement staff on complaint review, enforcement and licensee probation issues, and presents medical cases for their discussion.

5% Public Information (E)

- Acts as the Enforcement Program's "Analyst of the Day" providing consumers and licensees information regarding MBC's complaint process including time frames for complaint processing, conducting investigations, and finalizing dispositions of complaints through the administrative process, and determining whether issues are within the Board's jurisdiction. Handles complex inquiries from licensees and the public for Executive Officers of the Podiatry Board and the Physician Assistant Board.

5% General Analytical Tasks (M)

- Performs analytical tasks relating to the overall mission of the MBC and its Enforcement Program such as developing procedure manuals, and recommending changes to policies and procedures related to the activities of CCU.

B. Supervision Received

The Associate Governmental Program Analyst works under the direction of the Staff Services Manager I, Central Complaint Unit – Physician Conduct Section.

C. Supervision Exercised - None

D. Administrative Responsibility - None

E. Personal Contacts

The AGPA has daily, direct contact with MBC, Board of Podiatry, and Physician Assistant management and staff. The AGPA has frequent, direct contact with medical experts either in-person, via phone or via email, regarding case management and standard of medical care concerns related to Podiatry and Physician Assistant complaints. As necessary, speaks directly to the public, Supervising Investigators and Deputy Attorneys General within the Attorney General's Office. The AGPA is required to maintain a positive, professional working relationship with members of the profession and staff from the Medical Board of California (MBC), the Board of Podiatry, the Physician Assistant Board, and the Department of Consumer Affairs.

F. Actions and Consequences

Failure for the incumbent to perform duties adequately may result in the improper processing of a consumer complaint; thus, possibly putting California Healthcare Consumers in a harmful situation and the MBC 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 is expected to exercise a high level of independence and discretion and must possess good communication skills, use good judgment in decision-making, manage time and resources effectively, and be able to work efficiently and cooperatively with others, and be able to work under changing priorities and deadlines.

The AGPA 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.

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.)

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

Revised: TK/RC 4/17/2015

Approved: JM 5/18/15