

**Department of Consumer Affairs**

Position Duty Statement

HR-041 (new 5/04)

<b>Classification Title</b>	<b>Board/Bureau/Division</b>
Associate Governmental Program Analyst	Medical Board of California
<b>Working Title</b>	<b>Office/Unit/Section / Geographic Location</b>
Associate Program Analyst	Probation Unit - Sacramento
<b>Position Number</b>	<b>Name and Effective Date</b>
629-191-5393-001	

Under the direction of the Staff Services Manager I, the Associate Governmental Program Analyst (AGPA) performs a variety of the more complex technical analytical duties within the Enforcement Program's Probation Unit. The incumbent's responsibilities include independently monitoring a statewide caseload of physicians who were issued probationary licenses to ensure compliance with the terms and conditions ordered by the Board to provide rehabilitation, remediation and protection of the public. The incumbent is also responsible for the review and analysis of all documentation submitted by a physician to support their request to either modify their probation terms or terminate their probation early (known as Petitions for Early Termination/Modification of Probation). In addition, the incumbent provides back-up support to the analyst monitoring the biological fluid testing program to ensure physicians are complying with requirement to abstain from the use of drugs and alcohol and submit to random biological fluid testing. Duties include, but are not limited to, the following:

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

**50% Case Management – Probationary Licensees (E)**

- Creates and maintains a tracking system to monitor each physician's compliance with all of the terms/conditions of their probation (most physicians have 15-20 conditions in their probationary order). Conducts quarterly phone interviews with each assigned physician to review their current work status, assesses their progress towards completing the ordered condition and to respond to any questions or concerns the physician identifies in meeting his/her conditions. Reviews and evaluates the documentation produced by the physician to document compliance with probation (i.e., quarterly declarations reporting their activities in the past quarter, training certificates produced, verification of community service performed, etc.). Reviews and evaluates documentation provided by external sources each quarter (e.g., treating physicians or therapists, practice monitors, etc.) reporting on the physician's compliance with conditions of probation and conducts phone interviews to reconcile conflicting information. Identifies situations which require the assistance of an Inspector to perform a site visit and reconcile inconsistent information and to determine compliance with the probationary order. Prepares a transmittal memo for case reassignment to Inspector staff when the probationer is uncooperative and face-to-face observation and interaction is necessary. Prepares detailed reports describing the documentation and information obtained during the quarterly phone interview and reporting any probation compliance issues.

Prepares correspondence to physicians formally documenting their non-compliance with the ordered terms and conditions. **(30%)**

- Analyzes each Board decision which resulted in the issuance of a probationary license for content and analyzes the background material prepared by either the Licensing Program or the Deputy Attorney General to identify the issues identified in the physician's background which prompted the initial denial of the application for licensure and the decision to settle the matter by issuing a probationary license. Identifies all terms/conditions ordered by the Board which must be met by the physician during the probationary period and identifies the timeframes the physician must meet in order to successfully complete each ordered condition. Prepares a detailed introductory letter to the physician summarizing each of the ordered terms and conditions and providing information on how to fulfill the condition (e.g., referrals to approved training courses, referral to the Board's approved contract vendor to establish a contract for lab testing, etc.) to ensure the physician understands what is required during the 3-7 years the physician will remain on probation. Contacts each physician for an intake phone interview to ensure all requirements of probation have been explained and all questions answered. Prepares a detailed report describing the information provided to the physician during the phone intake process and any information provided by the physician about their progress towards completing the ordered conditions. **(10%)**
- Prepares reports of non-compliance when physician/probationer fails to comply with a term of probation and is in violation of probation. The non-compliance report is used to either generate a field investigation, request issuance of a citation and fine or order of abatement, suspension order, or referral to the Attorney General's (AG) Office for further administrative action. Provides recommendation to Staff Services Manager on appropriate action to pursue based on the severity of the violation. Gathers, prepares, and provides documents and evidence to support the violation of probation for the AG's Office and testifies at the hearing, if necessary. **(5%)**
- Independently researches and interprets Board policies, procedures, and regulatory requirements and determines if the training program or coursework submitted by the physician satisfies the requirements in their probationary order; approves or denies training programs or coursework. Provides verbal and written responses to physicians and/or their legal representatives regarding enforcement matters and the physician's compliance with the Board's probationary order. **(5%)**

### **30% Petition Background Analysis (E)**

- Performs background analysis on petitions for early termination or modification of probation which includes receiving information from the National Practitioner's Data Bank and Healthcare Integrity and Protection Data Bank to identify any adverse information which could be pertinent to the physician's petition. Conducts phone interviews with each of the references provided by the physician as part of the petition package. Interviews the physician by phone to confirm the accuracy of the information provided in the petition; identifies any changes in the physician's status which may have occurred since the petition was filed. Reviews and analyzes the quarterly reports prepared by the Inspector and the physician's complaint history to identify any probation compliance issues which would be relevant to an administrative law judge and the Board in determining the merits of the physician's request to modify/terminate probation. Prepares reports detailing the results of the background analysis and provides information relative to the probationer's readiness for modification or termination of probation. **(20%)**

- Transmits the background report, the probationer's petition packet, and relevant material obtained from the petitioner's assigned probation monitor to the AG's Office for assignment to a deputy attorney general. Responds to questions from the deputy attorney general assigned to represent the Board at the administrative hearing on the background report and testifies at the hearing, if necessary. **(10%)**

#### **5% Random Biological Fluid Testing (M)**

Serves as back-up to the Analyst responsible for generating and analyzing reports from the Board's contracted laboratory service to identify those physicians who are not in compliance with their probation by failing to appear for random biological fluid testing. Reviews the physician's disciplinary order to identify what restrictions have been imposed (i.e., ordered to abstain from the use of alcohol and/or controlled substances). Analyzes daily reports from the contracted lab to identify those physicians who have not contacted the lab to find out if they are scheduled for testing and/or did not appear for their scheduled test. Determines whether the failure to report for testing would be considered a violation of probation or was an approved absence (e.g., scheduled vacation or out of town conference). Prepares and provides supporting documentation for probation violations to the assigned Probation Inspector for follow-up with the physician. Researches, interprets and applies MBC policies, procedures, Medical Practice Act and regulatory requirements to make critical determinations regarding violations of the disciplinary order and/or law and presents recommendations to the Staff Services Manager I on the appropriate course of action to pursue. Gathers and assembles all necessary supporting documentation and evidence to prepare a request to initiate a field investigation for a possible probation violation; requests all essential documentation from the biological fluid testing contractor required to prepare a litigation package for evidence to be submitted to the Attorney General's Office in support of a disciplinary action if the probation violation is confirmed.

#### **5% Voluntary Surrender While on Probation (M)**

Receives the "Request for Voluntary Surrender of License While on Probation" form that is completed by the probationer and has been approved by management for processing. Prepares a cover letter addressed to the probationer that provides instructions on what is required of them in order to surrender their physician license. Prepares the official document to surrender the physician license entitled "Agreement for Surrender of License" on legal pleading paper. Mails the letter and Agreement to the probationer for review indicating they have 30 days to return the document. Once the signed Agreement is received, the incumbent compiles the entire package and provides it to the Discipline Coordination Unit to prepare the final surrender document.

If, after 30 days, the probationer has not returned the completed document, a follow-up letter is sent giving the probationer an additional 7 days to complete the document.

#### **5% Approval of Equivalent Courses (M)**

Receives and reviews requests by providers that are interested in conducting courses that fulfill the probation requirements for education. The incumbent will request all necessary documents, such as the course syllabus, accreditation, completion certificates, and feedback by the provider to compare the proposed course with the equivalent course offered by the Physician Assessment and Clinical Education Program (PACE) offered at the University of California, San Diego. After reviewing the materials if the course being requested is equivalent to the PACE course, provide approval to the requestor and update the Board's website with the new information.

## 5% **Special Projects (M)**

Performs a variety of analytical duties to support the overall mission of the Board and the Probation Unit; gathers, tabulates and analyzes statistical data from hardcopy sources and data generated from the Board's enforcement tracking system in order to prepare detailed reports for management, MBC's quarterly newsletter, annual report and Board meetings. Reviews and analyzes statistical data and reports to identify potential problem areas which lead to probation violations and/or subsequent disciplinary actions; prepares issue papers or recommendations for changes to the Board's Model Disciplinary Orders and Disciplinary Guidelines for Board management.

### A. Supervision Received

The incumbent works under the direction of the Staff Services Manager I.

### B. Supervision Exercised

None

### C. Administrative Responsibility

None

### D. Personal Contacts

On a daily basis, the AGPA will respond to inquiries from and conduct phone interviews with physicians on probation, their legal representatives, the physician's employer and medical staff, treating physicians and practice monitors appointed to review the quality of care provided by the physician. The AGPA regularly coordinates with other MBC staff/Inspectors regarding probation monitoring work and regular communication with other Board units including (but not limited to) the Licensing Program, Discipline Coordination Unit and Central Complaint Unit. The incumbent will have frequent direct contact with Deputy Attorneys General and Board management regarding a physician's compliance with the conditions outlined in the probationary order. The incumbent will have occasional contact with physicians who have submitted "references in support" of a physician/probationer's petition to modify or terminate probation in order to confirm the validity of the recommendation. The incumbent will also have occasional contact with the laboratory personnel, probation staff, field investigative staff and physicians/probationers related to biological fluid testing procedures and protocols. The incumbent will have contact with prospective vendors who request approval of their course.

### E. Actions and Consequences

The incumbent's failure to perform the duties adequately may result in not identifying and responding quickly to a violation of probation thereby allowing the violation to go undetected or corrected. Inadequate monitoring of physicians on probationers may also result in unsafe medical practice by allowing the non-compliant physician to continue to practice medicine without completing the education/retaining ordered by the Board to remediate their skills. Failing to monitor physicians with substance abuse issues to ensure compliance with the random biological fluid testing requirements may put California healthcare consumers at risk and the MBC not carrying out its mission to protect the public.

### F. 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. Travel may be required.

G. 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 Committee Members, and DCA management needs.

The incumbent will 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

**Updated:** 6/29/2015 (TK, CH)

**Approved:** 7/7/2015 (JM)