

## Washington Management Service (WMS) Position Description

Position Title: Supervising Staff Attorney	Position Number/Object Abbreviation: 71042608	
Incumbent's Name (If filled position): VACANT	Agency/Division/Unit: WMC	
Address Where Position Is Located: 111 Israel Road SE M/S 47866 Tumwater, WA 98504	Work Schedule: Part Time <input type="checkbox"/> Full Time <input checked="" type="checkbox"/>	Overtime Eligible: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Supervisor's Name and Title: Rick Glein, Director of Legal Services	Supervisor's Phone: 360-236-2769	
<b>Organizational Structure</b>		
Summarize the functions of the position's division/unit and how this position fits into the agency structure ( <b>attach an organizational chart</b> ).		
<p>The Washington Medical Commission regulates physicians and physician assistants and collaborates with the Department of Health through a joint operating agreement. The Medical Commission is responsible for licensing and regulating physician and physician assistants to promote patient safety and enhance the integrity of the profession.</p> <p>The Legal Unit provides legal services to the Medical Commission. This includes evaluating and prosecuting complaints of unprofessional conduct against practitioners, monitoring compliance by practitioners with conditions or restrictions against their licenses.</p> <p>This position reports to the Director of Legal Services and supervises a team of staff attorneys.</p>		
<b>Position Objective</b>		
Describe the position's main purpose, include what the position is required to accomplish and major outcomes produced. Summarize the scope of impact, responsibilities, and how the position supports/contributes to the mission of the organization.		
<p>This position supports the Commission's mission to protect and improve the health of state of Washington citizens by providing professional and technical expertise delivering enhanced legal services and providing department leadership in the areas of complex and emergency adjudication.</p> <p>This position assists in the management of the Legal Unit for the Commission, supervising staff attorneys and other staff as needed. Acts as the Director of Legal Services in the Director's absence.</p>		
<b>Assigned Work Activities (Duties and Tasks)</b>		
Describe the duties and tasks, and underline the essential functions. Functions listed in this section are primary duties and are fundamental to why the position exists. For more guidance, see <a href="#">Essential Functions Guidance</a> .		
<p><b>Serves as supervisor for Medical Commission staff attorneys:</b></p> <ul style="list-style-type: none"> <li>Communicate effectively and in a timely manner, both verbally and in writing, with staff and affected parties.</li> <li>Writes, edits and trains attorneys and paralegal staff in drafting readable, well-reasoned legal documents.</li> <li>Prioritizes all work-related activities and makes adjustments as necessary to address urgent matters as assigned.</li> <li>Accesses and manages data in agency systems.</li> <li>Directs the work of employees providing health regulation services to the public. Helps implement unit plans.</li> </ul>		



- Instructs, coaches and assists in identifying training needs of legal work group.
- Participates in the interview of applicants, recommends candidates for employment.
- Reviews legal documents against quality and timeline standards and address issues as they develop.
- Helps develop processes and strategies for providing high quality legal services within appropriate timelines.
- Establishes and maintains harmonious relationships with legal representatives, Department of Health employees and the public.
- Directly handles cases and works with Commission members, investigative and compliance staff, Assistant Attorneys General and Respondents or their attorneys to resolve disciplinary cases.

**Manages administrative activities delegated by Director of Legal Services:**

- Manages the personnel activities related to the assigned team of staff attorneys. Works with the Director of Legal Services to address personnel issues including managing the hiring process, interacting with Human Resources, and preparation and submittal of appropriate personnel forms.
- Provides input on legislative proposals and bills.
- Participates in the development of procedures, forms, manuals and similar documents for staff training and development.
- Coordinates with other Medical Commission managers and supervisors on communications related to the agency mission, strategic plan, and performance.
- Communicates by phone, mail, and e-mail or in person with people that are intra-agency and inter-agency, state and local government, outside organizations, and representatives of the media. Prepares and/or reviews and approves responses prepared for signature by the Director of Legal Services, Executive Director, Operations Manager, Commission member or executive correspondence for the DOH Assistant Secretary, or DOH Secretary.
- Represents the Executive Director and Legal Unit at various internal, in-state and national meetings.

**Performance Management:**

- Directs the accomplishment of goals and objectives and evaluates results.
- Assists in the creation of visual representations of performance data for use by the Commission and for reporting effectiveness of the legal unit to interested parties - programs, disciplining authorities, agency leadership, and staff.
- Identifies process improvements related to Commission procedures.
- Assists in the development of legal forms consistent with procedural developments.
- Directs the comprehensive evaluation of state laws and Commission/DOH policies, rules and procedures as they pertain to legal and disciplinary processes.
- Works in consultation with Commission staff, Commission Members, advisory committees, and stakeholder groups to accomplish legislative and regulatory goals and strategies.
- Collaborates on issues of common interest with the Attorney General's Office supervisors and Senior Health Law Judge in the Legal Exchange Group at the direction of the Director of Legal Services and resolves differences in a manner that best serves the public.
- Coordinates those cases identified as high priority to ensure the appropriate use of the team approach.
- Assists in the assignment of cases to staff attorneys, keeping balanced workloads, logical relationships of cases, expertise, and other factors in mind when assigning cases.
- Assists with policy analysis and development.



**Other**

- Supports the vision, mission and goals of the Commission and the Department of Health.
- Shares information with staff and fosters a culture of open communication.

**Accountability – Scope of Control and Influence**

**Provide examples of the resources and/or policies that are controlled and influenced.**

- Supervises a team of four to seven Hearings Examiner 3 staff attorneys.
- This position exercises a high degree of control within the supervised work unit, having responsibility for appropriate effort and decision making on individual cases, along with very substantial influence on strategy decisions affecting similar types of cases and fact patterns.
- This position has the ability to commit staff resources to development of proposals for procedural change within the Legal Unit and across the Medical Commission.
- The position develops Commission policy through working with the Commission in determining actions to take, including determination of appropriate thresholds for disciplinary action, development of case theories, and recognition of the need to resolve some matters prior to hearing and to press forward through the administrative court with others.

**Describe the scope of accountability.**

Accountable for meeting performance goals of the Legal Unit on their performance measures and developing a corrective action plan to ensure performance measures are being met.

Directly accountable for the management of all disciplinary cases involving physicians and physician assistants and to ensure that the cases meet statutory timelines.

**Describe the potential impact of error or consequence of error (impacts unit, division, agency, state).**

The failure to meet specific goals in the performance measures will severely impact the Commission and the Department in the eyes of the legislature. Inefficient/poor use of resources will adversely impact licensees by delaying the resolution of their cases.

Disciplinary cases against physicians have high visibility and are frequently in the media. A mishandled case can make the Commission lose credibility and can result in legislative action.

**Financial Dimensions**

Describe the type and annual amount of all monies that the position directly controls. Identify other revenue sources managed by the position and what type of influence/impact it has over those sources.

**Operating budget controlled.**

The position must work with the Director of Legal Services and Commission Executive Director in the development of appropriate billing practices, identification of FTE needs, and allocation of resources, particularly as they relate to professional development and training, office and work location design and assignment, and employee recruitment.

**Other financial influences/impacts.**

Procedural decisions are made on the extent of evidence required to proceed with charging health care practitioners with unprofessional conduct that can affect the amount that the Commission must budget and allocate for legal services and adjudication. Specifically, if an expert witness is required before a charging decision is made, the cost to the Commission increases substantially.

**Supervisory Responsibilities**

Supervisory Position: Yes  No

If **yes**, list total full time equivalents (FTE's) managed and highest position title.

Manages 6 full-time FTEs, Hearing Examiner 3 – Staff Attorneys



## Decision Making and Policy Impact

### **Explain the position's policy impact (applying, developing or determining how the agency will implement).**

This position helps implement guidelines and policies for the Commission. As part of the legal supervisory team, this position assesses workload and policy impacts of legislative and regulatory changes; reviews existing agency rules and regulatory disciplinary practices for possible modification or repeal; serves as a resource for policy formulation, dissemination, explanation, and enforcement of Commission policies in dealing with staff and clientele; promotes, fosters, trains and maintains organizational culture and ethics in staff members, to preserve agency role in disciplinary functions, objectivity in decision-making, and preservation of the public safety and health.

As part of the legal supervisory team, this position is responsible for the independent management and decision-making for the unit of staff attorneys, including personnel, resources, procedural and fiscal issues.

The position reports to the Director of Legal Services. The position develops Legal Unit policy through work with the health profession programs in determining actions to take, including determination of appropriate thresholds for disciplinary action, development of case theories, and recognition of the need to resolve some matters prior to hearing and to press forward through the administrative court with others.

### **Is the position responsible for making significant recommendations due to expertise or knowledge? If yes, provide examples of the types of recommendations made and to whom.**

Within broad outlines established by statute or by agency policy direction, this position will analyze new legal requirements, new legislation, existing systems and procedures and recommend new procedural guides. The incumbent, with legal knowledge and experience, would have substantial influence on the process and policy direction of each project that would apply to physicians and physician assistants, statewide. Examples include creating new opportunities to advance the Commission's goals and objectives, or allowing the Legal Unit to meet its goals and objectives while also meeting a new legal requirement or restriction. Original thinking is required to identify opportunities to streamline processes and gain efficiency.

The incumbent must be able to interpret and distinguish or apply decision precedents coming from the Commission, health law judges or the appellate courts. The incumbent must also be able to determine options and recommendations based on both legal and policy considerations.

Decision making in this area is complex, requiring integration of knowledge of our automated systems, legal requirements and work processes that span the Commission. This level of complexity applies to both the role in influencing policy and to individual case strategy decisions.

### **Explain the major decision-making responsibilities this position has full authority to make.**

This position makes decisions regarding the day-to-day management of up to 7 Hearings Examiners, including deciding what strategy or course of action to take on complex disciplinary cases, such as whether to contract with expert witnesses, how to settle disciplinary cases, what strategies to employ in processing a case, and requesting additional investigation. Procedural decisions are made while determining the course of discipline in matters that are highly complex, visible, or have potential for substantial impact on Commission policy. The position supervises Commission staff attorneys and manages a caseload responsible for providing a variety of legal services to the Commission, including providing legal guidance, legal strategy, use of expert witnesses, legal assistance for case disposition decisions, legal orders and other legal documents, as well as responding to program and public concerns regarding settlement discussions and other litigation related issues. This position makes decisions regarding acquisition and use of resources, and in pursuit of the Commission's mission. These decisions can include selecting and hiring expert witnesses and availability of continuing education for staff attorneys, a requirement for continued licensure.



**Describe whether decisions are of a tactical or strategic nature and how decisions are made. For example, is there known precedent, is it somewhat unfamiliar, or unknown and unexplored?**

The position requires frequent strategic and tactical decision-making, including decision-making on individual disciplinary cases that impact the public health. This position and the staff attorneys discuss complex cases to determine the best course of action to protect the public in a timely and efficient manner. While there are statutes, rules and policies that guide these decisions, each one presents a unique situation that requires creative problem-solving and strategic decision-making.

**What are the risks or consequences of the recommendations or decisions?**

The consequences of the wrong strategic decision on individual cases are many and include being unable to remove a dangerous physician from practice which significantly impacts public health, having to expend additional resources on a disciplinary case by doing it all over again, or simply wasting time and money without getting a satisfactory result.

### **Qualifications – Knowledge, Skills, and Abilities**

List the education, experience, licenses, certifications, and competencies.

### **Required Education, Experience, and Competencies.**

**This position requires a law degree from an accredited law school AND a license to practice law in the state of Washington.**

Three (3) or more years of experience:

- Managing attorneys
- In an administrative or regulatory law setting that includes experience with legal procedures associated with Washington's Administrative Procedure Act (APA), Uniform Disciplinary Act (UDA), or similar regulatory schemes. Using word processing tools, MS Word, Adobe, etc., managing data and databases specific to work activities, and communicating with others verbally or in writing, including utilizing email systems or chat systems.
- Using the internet, Westlaw, PACER, etc. as research tools to find and download information.

### **Leadership Competencies**

1. **Know Yourself:** Demonstrate self-awareness, self-management and continual growth and learning. A person who knows themselves is able to identify thoughts, feelings, and wants and then effectively put them into words in the moment. They are aware of patterns, strengths and limitations and seek feedback and knowledge to continually learn and grow from experiences.

2. **Understand Others:** Demonstrate interpersonal awareness and the ability to be inclusive. A person who understands others knows that everyone has their own experience of any given situation. They seek to understand all perspectives and leverage the generative nature of differing opinions and experiences so that outcomes are of the highest quality.

3. **See the Whole:** Demonstrate commission and political awareness, relationship-building skills, and effective decision-making. A person who sees the whole understands how the agency is connected in vision, mission and function. They are able to balance state government, agency, commission, and stakeholder interests to make effective decisions as well as champion decisions that have been made. They know the importance of relationships in understanding all perspectives and demonstrate effective group behaviors.

4. **Create an environment of Success:** Demonstrate the ability to integrate performance leadership into program activities, provide coaching and mentoring for improved success, provide personalized recognition



and celebrate successes, and displays characteristics of interpersonal influence. A person who creates an environment of success is able to clearly articulate their vision and expectations to their team and garner commitment. They ensure accountability and continued success through feedback, coaching, and recognition. They diligently apply the PLAN, DO, CHECK/STUDY, ACT methodology to ensure that activities are effective and efficient.

**5. Model the Way:** Demonstrate ethics and integrity, consistently walking their talk. A person who models the way is highly credible. They do what they say what they are going to do and then they do it. And they consistently set the example by aligning their personal actions with shared values.

**Medical Commission Staff Code**

1. We show respect and consideration to ourselves and others.
2. We maintain a safe and clean work environment.
3. We actively listen to the concerns of others in an honest and genuine way.
4. We are patient, understanding, encouraging and compassionate towards others.
5. We value trust and do not make assumptions about others motives or opinions.
6. We are accountable for our actions and demonstrate teamwork and dependability.
7. We recognize and appreciate the contributions and commitments of others.
8. We engage in direct communication and avoid rumor and gossip.
9. We are committed to the commission’s mission to promote patient safety.
10. We assume equality for all regardless of position or role.

**Preferred/Desired Education, Experience and Competencies.**

This position should be well-versed with state and federal laws, including the Uniform Disciplinary Act, the Health Care Information Act, the Medical Practice Act, the Washington Administrative Procedures Act, and other laws that govern the practice of medicine. This position should also be well-versed in the relevant case law that governs the licensing and discipline of health care providers.

**Special Requirements/Conditions of Employment**

List special requirements or conditions of employment beyond the qualifications above.

The incumbent will have consistent contact with confidential and personal health information. An acceptable background check may be required.





**Working Conditions**

Work Setting, including hazards:	Hybrid - Mobile work is expected with an occasional onsite presence at the DOH office located in Tumwater, WA. This position is required to attend in-person Commission meetings.
Schedule (i.e., hours and days):	Position is overtime exempt. The position is expected to adjust schedule to meet the needs, demands and priorities of the Commission. As management, this position is expected to be present during core business hours.
Travel Requirements:	Travel includes traveling between the Commission's work location as well as other state agency locations. Occasional overnight travel may be necessary to attend hearings, workshops, conferences or Commission meetings. Incumbent must be willing to travel alone or with others.
Tools and Equipment:	Ability to operate office equipment, such as computers, printers, and copy machines, and label makers.
Customer Relations:	Requires frequent contact with customers (patients and the public, agency manager and directors, supervisors, and employees and other stakeholders). Frequent interaction with frustrated customers required. Ability to maintain composure and present excellent customer service is required.
Other:	

**Acknowledgement of Position Description**

The signatures below indicate that the job duties as defined above are an accurate reflection of the work performed by this position.

Date: 07/28/2023	Supervisor's Signature (required): /s/ Rick Glein
Date: 07/28/2023	Appointing Authority's Name and Title: Signature (required): /s/ Melanie de Leon, Executive Director

**As the incumbent in this position, I have received a copy of this position description.**

Date:	Employee's Signature:
-------	-----------------------

**Position details and related actions taken by Human Resources will be reflected on the Position Evaluation Summary form.**

