

POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position.

2. Employee's Name (Last, First, M.I.)	8. Department/Agency MDHHS-DPT OF HUMAN SVC CNTL OF
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Legal Affairs Administration
4. Civil Service Position Code Description Departmental Specialist-3	10. Division Operations & Assistance Legal Division
5. Working Title (What the agency calls the position) State Hospital Administration Forensic Legal Specialist	11. Section Legal Services Section
6. Name and Position Code Description of Direct Supervisor SCHRAUBEN, MARY A; STATE ADMINISTRATIVE MANAGER-1	12. Unit
7. Name and Position Code Description of Second Level Supervisor STORK-PHILLIPS, DENISE; STATE DIVISION ADMINISTRATOR	13. Work Location (City and Address)/Hours of Work 235 S. Grand Ave, Lansing, MI / Monday-Friday, 8:00am- 5:00pm

14. General Summary of Function/Purpose of Position

This position functions as the legal specialist on the inpatient psychiatric hospital placement crisis for seriously mental ill individuals and serves as legal liaison between Legal Affairs Administration and the State Hospital Administration's (SHA) state psychiatric hospitals. This position is responsible for assisting the Attorney General's Office on legal matters related to state hospitals. This position assists hospital administration in prioritization of hospital admissions; attends care flow meetings to address legal issues preventing hospital discharges; and processes cases that the Department refers for diversion. This position works with external stakeholders (courts, prosecutors, defense counsel, jails) to help facilitate diversion of individuals from the criminal process and allow the department to prioritize admissions. This position provides guidance and outreach regarding the forensic and probate mental health process, the importance of orders aligning with statute, and options outside of the forensic and probate process, and presents at conferences regarding the forensic and probate process.

15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary:

Percentage: 70

Serve as the SHA Legal Liaison.

Individual tasks related to the duty:

- Assist the Attorney General's Office on legal matters including, but not limited to, show cause hearings related to hospital admissions.
- Conduct legal research and provide guidance as requested by the SHA leadership and/or staff, with particular emphasis on the Mental Health Code.
- Function as the point person for the provision of legal guidance for department contracts, grant agreements and memorandums of understanding as requested by staff, the Senior Deputy Director, Bureau Director, Division Director or other members of department leadership, as they relate to the SHA.
- Work with defense counsel, judges, and prosecutors regarding individuals who may not be restored within statutory timeframes on a potential diversion pathway.
- Serve as a legal liaison to probate courts and district and circuit courts for problem solving and questions regarding forensic processes and policies.
- Attend Diversion Council – subgroup meetings regarding the forensic process population.
- Oversee the development of legislation, proposed litigation, rules, and policy as they may impact the SHA.
- Analyze the impact of proposed federal and state legislation upon programs and processes within the SHA.
- Confer with the Attorney General's Office as necessary to oversee litigation that impacts the SHA.

Duty 2

General Summary:

Percentage: 20

Serve as the statewide legal specialist regarding state hospitals and forensic processes and policies.

Individual tasks related to the duty:

- Track nationwide class actions, contempt orders, and consent decrees regarding the Incompetent to Stand Trial (IST) population.
- Track Department of Justice investigations and other Olmstead issues regarding inpatient psychiatric treatment.
- Track show causes hearings, results, judges, and impacts of testimony on competency orders.
- Develop and maintain a forensic process bench book for courts and attorneys.
- Monitor the individuals that are incompetent to stand trial in the community.
- Collaborate with the Behavioral and Physical Health and Aging Services Administration (BPHASA) legal liaison regarding hospital patients and discharge matters.
- Prepare training materials for courts, attorneys, and the legislature.
- Consult with Children Services Administration regarding juvenile justice involved children that may have serious emotional disturbance.

Duty 3

General Summary:

Percentage: 5

Oversee forensic process population with court involvement.

Individual tasks related to the duty:

- Collect data regarding competency restoration orders and criminal responsibility orders and timeframes for evaluation and for an inpatient admission.
- Monitor and update case statuses for cases with pending show cause or other hearings.
- Consult with Attorney General's Office on department preferences regarding the resolution of cases with pending hearings.

Duty 4

General Summary:

Percentage: 5

Other duties as assigned.

Individual tasks related to the duty:

- Other duties as assigned

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

Decisions for which there is precedent or for which the department's position is known.

17. Describe the types of decisions that require the supervisor's review.

Any decision that would affect another department or another administration within the department. When the law is silent, no guidelines or instructions are available, or significant ambiguities exist.

18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.

Normal office environment.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.

Additional Subordinates

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

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|---|--|
| ☐ Complete and sign service ratings. | ☐ Assign work. |
| ☐ Provide formal written counseling. | ☐ Approve work. |
| ☐ Approve leave requests. | ☐ Review work. |
| ☐ Approve time and attendance. | ☐ Provide guidance on work methods. |
| ☐ Orally reprimand. | ☐ Train employees in the work. |

22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?

Yes

23. What are the essential functions of this position?

This position is legal specialist on the inpatient psychiatric hospital placement for seriously mental ill individuals and serves as legal liaison between Legal Affairs Administration and the State Hospital Administration's (SHA) state psychiatric hospitals. This position is responsible for legal matters related to the state hospitals, including hospital admission prioritization.

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

New position.

25. What is the function of the work area and how does this position fit into that function?

The Operations & Assistance Legal Division is responsible for providing legal support, guidance, and litigation support to various Michigan Department of Health and Human Services (MDHHS) program areas within the Economic Stability Administration (ESA), Behavioral and Physical Health and Aging Services Administration (BPHASA), and State Hospital Administration (SHA). This position performs the activities, as described above, with particular emphasis on the Incompetent to Stand Trial population and other matters impacting the SHA. Additionally, the position performs legal research for the division director.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.

EDUCATION:

Possession of a bachelor's degree in any major.

Selective Position Requirement (SPR): Possession of Juris Doctorate degree from an ABA-accredited law school.

EXPERIENCE:

Departmental Specialist 13 - 15

Four years of professional experience, including two years equivalent to the experienced (P11) level or one year equivalent to the advanced (12) level.

KNOWLEDGE, SKILLS, AND ABILITIES:

As listed on the Civil Service job specification.

The MDHHS mission is to provide opportunities, services, and programs that promote a healthy, safe, and stable environment for residents to be self-sufficient. We are committed to ensuring a diverse workforce and a work environment whereby all employees are treated with dignity, respect and fairness.

CERTIFICATES, LICENSES, REGISTRATIONS:

Member in good standing with the State Bar of Michigan.

NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Supervisor

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to the statements of employee or supervisors.

None

I certify that the entries on these pages are accurate and complete.

ANTHONY TODARO

Appointing Authority

1/31/2025

Date

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Employee

Date