CS-214
REV 8/2007

1. Position Code 3

State of Michigan
Civil Service Commission
Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Federal privacy laws and/or state confidentiality requirements protect a portion of this information.

POSITION DESCRIPTION

This form is to be completed by the person that occupies the position being described and reviewed by the supervisor and appointing authority to ensure its accuracy. It is important that each of the parties sign and date the form. If the position is vacant, the supervisor and appointing authority should complete the form.

This form will serve as the official classification document of record for this position. Please take the time to complete this form as accurately as you can since the information in this form is used to determine the proper classification of the position. **THE SUPERVISOR AND/OR APPOINTING AUTHORITY SHOULD COMPLETE THIS PAGE.**

2. Employee's Name (Last, First, M.I.)	**8. Department/Agency** Department of Licensing & Regulatory Affairs
3. Employee Identification Number	**9. Bureau (Institution, Board, or Commission)** Bureau of Professional Licensing
4. Civil Service Classification of Position Department Specialist 13	**10. Division**
5. Working Title of Position (What the agency titles the position) Staff Attorney	**11. Section** Boards and Committees
6. Name and Classification of Direct Supervisor Kerry Ryan Przybylo, State Administrative Manager 15	**12. Unit**
7. Name and Classification of Next Higher-Level Supervisor Amy Gumbrecht, Bureau Director	**13. Work Location (City and Address)/Hours of Work** 611 W. Ottawa, Lansing, Monday-Friday, 8 am – 5 pm

14. General Summary of Function/Purpose of Position

The position serves as specialist for the Boards and Committees Section of the Bureau of Professional Licensing that is responsible for highly complex tasks pertaining to administrative rule drafting and promulgation for the professions regulated under the Public Health Code, 1978 PA 386 and the Occupational Code, 1980 PA 299, in accordance with the Administrative Procedures Act, 1969 PA 306.

This position serves as a licensing subject matter legal expert in advising Bureau staff, department leadership, other state departments, bureaus, and agencies, external state licensing agencies, federal government agencies, regulatory boards, members of the legislature, professional associations (both statewide and national), licensees, lobbyists, and members of the general public of the statutes regulating the professions listed below and the requirements for the promulgation of the administrative rules; assures compliance with federal statutes and rules and state statutory requirements in the promulgation of the administrative rules; interprets federal statutes and rules, state statutes, and administrative rules that apply to health and occupational licensees; scheduling and leading public rules committee work groups to develop language for proposed changes to the administrative rules; independently drafting proposed rule language and the related documents associated with the rulemaking process (Request for Rulemaking; Regulatory Impact Statement and Cost-Benefit Analysis; Public Hearing Notice; Bureau's Summary of Public Hearing Comments; and the Agency Report to the Joint Committee on Administrative Rules (JCAR)); ensuring that the rules are legally compliant with statutory authority; conducting public hearings for the proposed rules pursuant to the Administrative Procedures Act, 1969 PA 306; reviewing and providing feedback on proposed

legislation that impacts the statutes that govern the Bureau's regulated professions; attending JCAR hearings to answer any questions that the legislative committee may have about the Bureau's proposed rules sets; and ensuring that all board meetings comply with the Open Meetings Act, 1976 PA 267.

This position is the recognized licensing subject matter expert responsible for serving as the Department Specialist/Staff Attorney for the following boards and professions: Acupuncture, Athletic Trainers, Barber Examiners, Cosmetology, Health Care Recovery Committee, Landscape Architects, Massage Therapy, Nursing Home Administrators, Occupational Therapy, Optometry, Podiatry, Real Estate Appraisers, Real Estate Brokers and Salespersons, Respiratory Care, Social Work, and Veterinary Medicine. This position also serves as the primary contract coordinator for the Health Professional Recovery Program (HPRP) and is responsible for the Public Health Code General and Disciplinary Rules and the Occupational Code Renewals and Disciplinary Rules.

For Civil Service Use Only

15. Please describe your <u>assigned</u> duties, percent of time spent performing each duty, and explain what is done to complete each duty.

List your duties in the order of importance, from most important to least important. The total percentage of all duties performed must equal 100 percent.

<u>Duty 1</u>

General Summary of Duty 1 **Percentage: 55**

Independently develops policy recommendations and administrative rules, working closely with Bureau staff, 11 health professional boards/professions, 5 occupational boards/professions, serves as the primary contract coordinator to the Health Professional Recovery Committee, public rules committee work groups, lobbyists, constituency groups, professional associations, and external and internal stakeholders. This position is also responsible for the Public Health Code General and Disciplinary Rules and the Occupational Code Renewals and Disciplinary Rules.

Individual tasks related to the duty.

- Advises Bureau staff, department leadership, regulatory boards, members of the legislature, professional associations, licensees, lobbyists, and members of the general public of the statutes regulating the professions and the requirements for the promulgation of the administrative rules.
- Independently reviews and interprets statutes, administrative rules, and proposed legislation in order to accurately answer questions about the law from department leadership, Bureau staff, attorneys, professional associations, board members, licensees, and members of the public during public rules committee work groups.
- Works with staff in different divisions of the Bureau when developing language for proposed changes to the administrative rules to ensure that the edits match Bureau processes.
- Leads the discussion in public rules committee work groups which are attended by lawyers, board members, professional associations, licensees, lobbyists, and members of the general public, to develop language for proposed changes to the administrative rules.
- Contacts board members and key stakeholders to obtain information related to the administrative rules.
- Frequently answers questions from professional associations and Bureau staff about current rules and proposed changes.
- Independently drafts language for administrative rules for the Bureau and the professional boards regulated under the Public Health Code and the Occupational Code. This includes drafting the Request for Rulemaking, Regulatory Impact Statement and Cost-Benefit Analysis, the Agency Report to the Joint Committee on Administrative Rules, and the Bureau's Summary of Public Hearing Comments.
- Assists Bureau staff and the assigned regulatory boards with implementing new initiatives. Includes independently analyzing complex information, making recommendations for policy, and drafting language for administrative rules necessary to implement new initiatives.
- Conducts public hearings for promulgation of rules for the Bureau of Professional Licensing regulated under the Public Health Code and the Occupational Code in accordance with the Administrative Procedures Act.
- Independently analyzes complex licensing, education, credentialing, regulatory information, and determines what information should be included in new policies or rules.
- Independently conducts field and legal research to obtain background information to support the development of policy and administrative rules for newly regulated initiatives.

- Ensures that administrative rules and proposed changes are compliant with statute.
- Distributes draft documents for relevant Bureau staff and management review, comment, and approval. Edits based on feedback received.
- Summarizes rule changes and provides to Licensing staff for mass email distribution to licensees.
- Conducts legal research on issues of concern for the Bureau about the assigned professions.
- Attends Joint Committee on Administrative Rules hearings to answer questions from the Committee regarding proposed changes to the rules.
- Responds to multiple daily phone calls and emails with HPRP personnel regarding policies, contract requirements, and issues with participants, evaluators, and providers.
- Responds to frequent daily contacts with the Attorney General's Office, Bureau Staff, and licensees regarding HPRP participation issues, HPRP requirements, noncompliance concerns, and requests for information regarding specific licensee's participation.
- Review monthly, quarterly, and annual reports received from the HPRP to determine contract compliance.
- Prepares annual report regarding HPRP participation, compliance, policy updates, and other relevant information for presentation to the boards regulated by the Public Health Code.
- Annually attends a board meeting for all health code professions regulated by the by Public Health Code and presents the annual HPRP report.
- Frequently reviews HPRP Step 2 Review requests submitted by licensees, prepares memorandum regarding the licensee's request for review by HPRC subcommittee members, compiles subcommittee responses to Step 2 request, and drafts a response to the licensee and the HPRP to advise of the subcommittee's decision.
- Meets at least monthly with HPRP representative to review program progress.

Duty 2

General Summary of Duty 2 **Percentage: 15**

Preparation and Attendance at Board Meetings.

Duty 2

Individual task related to the duty:

- Represents the Department at board meetings overseeing the board activities.
- Answers legal questions from board members related to board functions when the Assistant Attorney General is not present.
- Aids in the creation of meeting agendas.
- Prepares memorandums about petitions to the boards governed by the Occupational Code for petitioners seeking a variance to be licensed.
- Prepares memorandums regarding petitions for variances of licensing requirements for the Occupational Code boards.
- Prepares memorandums regarding requests for a waiver of continuing education requirements for the Occupational Code and the Public Health Code boards.
- Introduces licensees' requests to the various boards for continuing education waivers.
- Arrives to the meeting prepared to discuss agenda topics and answer questions from the board members about rules, statutes, recently passed legislation, procedure of the board meeting, and relevant Department/Bureau activities.
- Assists the boards with the application of statutory and rule requirements.
- Ensures that all meetings are held in compliance with the Open Meetings Act, 1976 PA 267.
- Ensures that quorum is met prior to the start of the meeting.
- Ensures that quorum is met for a vote when board members recuse themselves or abstain from voting.
- Ensures that board members act within their statutory authority and in conformance with the Open Meetings Act.
- Assists Board Chair or Vice-Chair with conducting the meeting.
- Proofreads minutes from meetings.

- Conducts training sessions for board members regarding board functions, duties, conflicts of interest, meeting rules of order, handling media inquiries, functions of the department, functions of the Bureau, functions of the Attorney General's office, committee assignments, chair and vice-chair duties, conferee duties, functions and makeup of subcommittees, including allegations, rules, education, continuing education, and disciplinary subcommittees.

Duty 3

General Summary of Duty 3 **Percentage: 10**

Implementation of statutory changes.

Individual tasks related to the duty.

- Responds to legislative inquiries to evaluate proposed bills and supplies proposed language and comments for the legislator's office when requested.
- Reviews statutory changes and provides legal review of Bureau forms and webpage content to ensure accuracy and compliance with the most recent rules and statutes. (This includes applications and continuing education licensing guides).
- Makes recommendations for statutory and regulatory changes as needed for efficient licensing and enforcement functions.
- Reviews proposals to change examination requirements.

Duty 4

General Summary of Duty 3 **Percentage: 15**

Interprets federal statutes and rules, state statutes, and administrative rules that apply to health and occupational licensees.

Individual tasks related to the duty.

- Responds to requests for information from department leadership, Bureau staff and the board members by preparing summaries, conducting legal research, and communicating with national and state associations and other outside stakeholders.
- Investigates inquiries from licensees, national and state professional associations, representatives of the Legislature and the Governor's Office and proposes solutions and/or responses.
- Interacts with Bureau leadership, managers, and staff to ensure proper application of statutes and rules governed by the agency.
- Researches statutes and rules and responds to inquiries about a profession's scope of practice.

Duty 4

General Summary of Duty 4 **Percentage: 5**

Provides professional assistance to the Boards and Committees Section Manager and Miscellaneous professional and administrative duties.

Individual tasks related to the duty.

- Assists the Manager with completing surveys and compiling other information requested by national organizations representing the regulatory boards of which Michigan is a member.
- Assists the Manager with preparing and distributing correspondence in response to public inquiries.
- Assists the Manager with preparing the Annual Regulatory Plan for the Michigan Office of Administrative Hearings, and Rules.
- Serves on committees and task forces assigned by the Manager, the Bureau Director, the Office of Policy and Legislative Affairs, or the Deputy Director or Director of the Department of Licensing and Regulatory Affairs.
- Represents the Manager at board/committee/task force meetings in Manager's absence.
- Represents the department at national, state, and local association meetings.
- Attends and actively participates in staff meetings.
- Participates in training programs as required by the Manager or the Bureau Director.
- Other duties as assigned.

16. Describe the types of decisions you make independently in your position and tell who and/or what is affected by those decisions. Use additional sheets, if necessary.

The position works with Bureau staff, the professions' regulatory boards, and the public Rules Committee Work Group meetings to independently draft language for administrative rules, as well as other documents consistent with the requirements of the Administrative Procedures Act (1969 PA 306), the Michigan Office of Administrative Hearings and Rules (MOAHR), the Legislative Service Bureau, and the department's Regulatory Affairs Officer.

The position independently determines and conducts the appropriate legal research needed; consults with the internal and external stakeholders as appropriate; develops the necessary language to effect licensing requirements; responds to requests from MOAHR, the Legislative Service Bureau, and the LARA Regulatory Affairs Officer.

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

Decisions on issues that are unusual or high-profile, that pertain to legislation or media, or that involve changes in Division or Bureau-wide procedures would require supervisor review.

18. What kind of physical effort do you use in your position? What environmental conditions are you physically exposed to in your position? Indicate the amount of time and intensity of each activity and condition. Refer to instructions on page 2.

The position is exposed to a standard office environment involving sitting, standing, walking, and lifting. Minimal physical effort is required to perform the job. Considerable time is spent working on the computer, possibly resulting in eye strain and ergonomic issues. There is no exposure to environmental hazards.

19. List the names and classification titles of classified employees whom you immediately supervise or oversee on a full-time, on-going basis. (If more than 10, list only classification titles and the number of employees in each classification.)

NAME	CLASS TITLE	NAME	CLASS TITLE

20. My responsibility for the above-listed employees includes the following (check as many as apply):

___Complete and sign service ratings.
___Provide formal written counseling.
___Approve leave requests.
___Approve time and attendance.
___Orally reprimand.
___Assign work.
___Approve work.
___Review work.
___Provide guidance on work methods.
___Train employees in the work.

21. ***I certify that the above answers are my own and are accurate and complete.***

_____ _____

Signature **Date**

NOTE: Make a copy of this form for your records.

TO BE COMPLETED BY DIRECT SUPERVISOR

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

23. What are the essential duties of this position?

The essential duties of this position are to independently advise Bureau staff and regulatory boards regarding statutory requirements that necessitate promulgation of administrative rules for the Bureau; conduct rules committee work group meetings that are open to the public in order to develop language for proposed administrative rules; draft proposed administrative rule language, and the related documents associated with the rulemaking process (Request for Rulemaking; Regulatory Impact Statement and Cost-Benefit Analysis; public hearing notice; Agency Report to the Joint Committee on Administrative Rules); and conduct public hearings relating to proposed administrative rules.

This position also aids the Manager in responding to requests for information from outside stakeholders, completing surveys, and participating in meetings and committees, as requested.

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

Formerly, rules committee meetings were closed to the public as the committee was less than quorum of the board and not subject to the Open Meetings Act. The current administration, through Executive Directive 2019-11, encouraged advisory bodies within the department, not subject to the Open Meetings Act, to hold meetings in a public forum. As such, department leadership has mandated that all rules committee meetings be open to the public forum and be labeled "rules committee work groups."

The Department Specialist/Staff Attorney has been functioning as legal representative of the Department during these meetings. The Specialist must be thoroughly familiar with statutory authority for rule promulgation and has had to be ready to supply swift legal interpretation and explanation to persons and members of diverse groups the reasons for permissibility or impermissibility of inclusion of rules or changes suggested in a rule set. Because of the diversity of persons, groups, agendas, and the fast pace of the meetings involved in the process, the Specialist must quickly convey information and a legal basis for responses to comments about rule inclusion or exclusion. In specific instances, the Specialist may have to function as ultimate decision maker when consensus about legal interpretation of a statute or rule is unreachable. This could involve conveying unwelcome information to certain persons or groups and professionally articulating why the Department has taken a perceived adversarial position. Consideration and preparation of rebuttals for pragmatic, cost, regulatory oversight, and other arguments posed to the Specialist has become necessary. The Specialist must be well prepared to answer questions and engage competently with lawyers, association members, licensees, lobbyists, and members of the public during these open meetings. There is an extreme amount of pressure to run the meetings in an orderly fashion while the representatives from various groups try to compete for a chance to speak. The Specialist must juggle multiple stakeholders' goals while supplying legal interpretation and practical considerations. The Specialist must communicate clearly, act professionally and with composure, and mediate between competing groups, all while conducting the meeting in an orderly fashion.

Conducting a public meeting is more demanding than managing a private meeting with a small group of board members. This requires a highly educated and competent individual who thoroughly understands the materials and can think or react quickly and effectively. The specialist must be well versed in the nuances of each assigned profession.

Additionally, there have been requests from the Office of Policy and Legislative Affairs to have bureau representation at the Joint Committee on Administrative Rules Meetings to answer questions from committee members about the changes to the rule sets before the committee. The Department Specialist/Staff Attorney, after thorough preparation, attends these meetings ready to testify about the contents, answer questions, and represent the Bureau in a professional and competent manner.
Lastly, the Bureau has begun to receive requests from the Legislature to conduct research for bills. This task has been assigned to the Department Specialist/Staff Attorney who heavily relies upon his or her legal research skills and training to provide the requested analysis.

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

One of the functions of the Bureau of Professional Licensing is to assure that all professions regulated under the Michigan Public Health Code (PHC) and the Occupational Code (OC) are properly licensed or registered to practice in the State of Michigan. The Bureau is also responsible for investigating complaints filed against licensed professionals and starting disciplinary action under the PHC and the OC. The functions of the Bureau are guided by statute, legal opinions from the Attorney General, administrative rules, and statewide policy. This position handles development and promulgation of administrative rules for the Bureau. The position also attends board meetings; works closely with rules committees and BPL divisions; aids the Manager and provides professional support to Bureau staff and board members.

26. In your opinion, 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.

EXPERIENCE:

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

Legal research experience preferred.

KNOWLEDGE, SKILLS, AND ABILITIES:

Excellent written and oral communication skills
Knowledge of the administrative rulemaking process
Ability to interpret laws and complex rules and regulations
Ability to assess, evaluate and analyze programs and processes, compile information and articulate succinctly
Ability to organize, set priorities and manage multiple projects simultaneously
Ability to use database software to manage data
Ability to think or react quickly and effectively

CERTIFICATES, LICENSES, REGISTRATIONS:

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

27. ***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's Signature **Date**

TO BE FILLED OUT BY APPOINTING AUTHORITY

28. Indicate any exceptions or additions to the statements of the employee(s) or supervisor.

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

Appointing Authority's Signature **Date**