

STATE OF CALIFORNIA

An Equal Employment Opportunity Employer - equal opportunity to all regardless of race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, age or sexual orientation.



IT IS AN OBJECTIVE OF THE STATE OF CALIFORNIA TO ACHIEVE A DRUG-FREE WORK PLACE. ANY APPLICANT FOR STATE EMPLOYMENT WILL BE EXPECTED TO BEHAVE IN ACCORDANCE WITH THIS OBJECTIVE BECAUSE THE USE OF DRUGS IS INCONSISTENT WITH THE LAW OF THE STATE, THE RULES GOVERNING CIVIL SERVICE AND THE SPECIAL TRUST PLACED IN PUBLIC SERVANTS.

ONLY INDIVIDUALS LAWFULLY AUTHORIZED TO WORK IN THE UNITED STATES WILL BE HIRED.

INVITES APPLICATIONS FOR

GENERAL COUNSEL

CALIFORNIA HEALTH BENEFIT EXCHANGE SACRAMENTO, CALIFORNIA

**MONTHLY SALARY:
NEGOTIABLE**

**FINAL FILING DATE:
UNTIL FILLED**

The General Counsel serves as the chief legal advisor to the Health Benefit Exchange Board, Executive Director and the Exchange's executive staff, providing advice on a variety of matters pertaining to the Exchange and its programs and operations. The General Counsel performs or supervises a number of functions including, but not limited to: legal research and writing of opinions; review and analysis of legislation, proposed regulations, and proposed policy changes; and, in collaboration with the California Office of the Attorney General, monitors and manages pending litigation. The General Counsel has a wide variety of legal responsibilities and is expected to consistently exercise a high degree of initiative, independence, originality, and judgment in performing all duties. The General Counsel is a member of the Board's senior leadership team and reports to the Executive Director.

DUTIES AND RESPONSIBILITIES

- Consults with, advises, and assists the Executive Director on legal issues as they affect the overall programs and policies of the Exchange Board; prepares legal opinions; participates as a member of the top management team in the development and implementation of program policies; provides legal input to the Executive Director on programs the Board administers, and on issues raised by outside interested parties including external legal resources; analyzes and responds to legal-related correspondence and telephone calls.
- Consults with, advises, and provides legal guidance to the Executive Director, Exchange Board, and staff related to statutory and regulatory requirements applicable to Board deliberations and decisions, including conflict of interest, public records, and open meeting laws.
- Reviews legislation and regulations for legal and program impact; drafts legislation and regulations; reviews bill analyses for program and administrative policy as well as for legal issues.

- Serves as the senior legal advisor for the development and maintenance of federal, state and private program contracts, agreements or state plans, and related amendments or compliance audits, required by the federal or state legislation creating the California Health Benefit Exchange.
- Represents the Board in administrative hearings. Independently performs or manages the performance of difficult and complex research and preparation of legal arguments for litigation and related purposes.
- Assists and advises lead program staff in assuring that the Board's internal systems comply with all applicable state and federal laws and regulations.
- Oversees the selection, management, and evaluation of external legal consultants. Plans, organizes, supervises, and directs the work of staff counsels.

DESIRABLE QUALIFICATIONS

The ideal candidate is a highly motivated and creative leader who possesses exceptional leadership skills. The Exchange seeks an individual who performs at an intellectually high level, with the requisite legal and litigation experience to provide guidance and direction for a large, complex, rapidly evolving organization. The ability to work effectively under high pressure and sensitive conditions, work with, provide expert consultation to, and gain and maintain the confidence of the California Health Benefits Exchange Board and management staff. The ability to identify issues and provide legal recommendations based on thorough, analytical judgment. The successful candidate will be able to collaboratively work with a team of peers. Experience in legal matters as they relate to litigation strategy, problem definition and conflict resolution. Qualified applicants from the private sector as well as those with experience in the public sectors are encouraged to apply.

Specific qualifications are:

- Broad and Extensive experience, (more than seven) in the practice of law*, of which five years must include administrative or civil litigation experience.
- Familiarity with California and national insurance laws and market place factors related to the individual and small group markets.
- Familiarity with statutory provisions of publicly funded health care programs and services in California.
- Experience working with large-scale customer service or IT contracts.
- Experience with the state legislative and budget processes and fiduciary responsibility for public funds.
- Experience working for a public board.
- Excellent verbal and written communication skills.

*Experience in the "practice of law" is defined as only that legal experience acquired after admission to the State Bar.

SPECIAL REQUIREMENTS

Membership in the State Bar of California. (Applicants must have an active membership in the California State Bar before eligible for appointment.)

COMPENSATION AND BENEFITS

The State of California benefit package includes:

- Retirement contributions into the California Public Employees' Retirement System (CALPERS)
- Vacation and sick or annual leave
- Medical, dental and vision insurance

- Life insurance of \$50,000 basic plus \$50,000 Accidental Death and Dismemberment
- Eleven (11) holidays plus two professional development days and one personal day per year
- Voluntary enrollment into a deferred compensation program, Long Term Disability Insurance, Long Term Care Insurance, Group Term Life Insurance, and a Legal Services Plan

THE DEPARTMENT

In the fall of 2010, California enacted the first state law in the nation establishing a health benefit exchange under ACA, the California Patient Protection and Affordable Care Act (CA-ACA). The CA-ACA included legislative intent for the creation of the California Health Benefit Exchange to:

- Reduce the number of uninsured Californians by creating an organized, transparent marketplace for Californians to purchase affordable, quality health care coverage, to claim available federal tax credits and cost-sharing subsidies, and to meet the personal responsibility requirements imposed under the federal Affordable Care Act (ACA);
- Strengthen the health care delivery system;
- Guarantee the availability and renewability of health care coverage through the private health insurance market to qualified individuals and qualified small employers;
- Serve as an active purchaser, including creating competitive processes to select participating carriers and other contractors;
- Require that health care services plans and health insurers issuing coverage in the individual and small employer markets compete on the basis of price, quality, and service, and not on risk selection; and,
- Meet the requirements of the federal ACA and all applicable federal guidance and regulations.

The CA-ACA established the Exchange as an independent public entity that is governed by a five-member board made up of the State's Secretary of Health and Human Services, two members appointed by the Governor and two members appointed by state legislators—one by the Speaker of the Assembly and the other by the Senate Rules Committee.

The Exchange represents an important component of health care reform. The legislative, regulatory and policy development workload needed to establish the Exchange and be fully operational by 2014 is unprecedented and will place tremendous demands on this position.

The vision of the California Health Benefit Exchange is to improve the health of all Californians by assuring their access to affordable, high quality care. Beginning in 2014, the California Health Benefit Exchange will allow individuals and small businesses to compare plans and buy health insurance on the private market. A successful Exchange will provide purchasers with a more stable risk pool, greater purchasing power, more competition among insurers and detailed information regarding the price, quality and service of health coverage. It will also streamline access for individuals to programs that provide subsidies for health coverage. The Exchange will increase the number of insured Californians, improve health care quality, lower costs, and reduce health disparities through an innovative, competitive marketplace that empowers consumers to choose the health plan and providers that give them the best value.

Members of the board and designated classifications of the Exchange are subject to strict conflict-of-interest provisions. They may not be employed by, a consultant to, a member of the board of directors of, affiliated with, or otherwise a representative of, a carrier or other insurer, an agent or broker, a health care provider, or a health care facility or health clinic.

The Exchange's headquarters office is located in Sacramento, California.

REVIEW AND SELECTION PROCESS

An executive screening committee will conduct a review of all applications, resumes and Statement of Qualifications. Applicants deemed to have the most relevant background will be invited for interviews. Interviews will be held in Sacramento, California. **The General Counsel is an "Exempt" position that serves at the pleasure of the Board, therefore appointment to the position and salary are subject to Board approval.** Please do not submit applications to the Governor's Office.

HOW TO APPLY

Qualified persons must complete and file the following:

- a State Application Form (Standard 678 available on the CalHR web site at www.CalHR.ca.gov),
- a resume of qualifications and experience,
- a Statement of Qualifications based on the Desirable Qualifications identified in this announcement, (no more than two pages), and
- three professional references (names and telephone numbers) to:

Gloria Monroe
Human Resources, HBEX
560 J Street, Suite 290
Sacramento, CA 95814
Phone: 916-323-3489
Fax: 916-323-3565

For further information regarding this position, please contact Ms. Monroe at (916) 323-3489 or Gloria.Monroe@HBEX.ca.gov