

**California Health Benefit Exchange Board
General Counsel
Duty Statement**

The General Counsel of the California Health Benefit Exchange is the chief legal advisor who provides the Executive Director and Exchange senior staff with legal 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, monitoring and managing 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 of the Board.

Background: One of the centerpieces of the federal Affordable Care Act (ACA) is the establishment of state-based health benefit exchanges (Exchange). An Exchange is a marketplace where individuals and small businesses can use federal tax credits to purchase health insurance coverage. Tax credits are available to persons with incomes up to 400 percent of the federal poverty level. Individuals are eligible for tax credits only if they purchase coverage through the Exchange.

Federal law requires Exchanges to be operational by January 1, 2014, and gives states the option to operate their own Exchanges or to rely on a federal Exchange. On September 30, 2010, California became the first state in the nation to enact legislation creating an Exchange since passage of federal health care reform.

California's Exchange will offer consumers a choice of health plans that meet federal benefits and cost standards and will provide information to consumers to help them make educated choices about the insurance policies they are purchasing.

Duties/Responsibilities: Under the general supervision of the Executive Director, the General Counsel performs or supervises the following duties:

1. Consults with, advises, and assists the Executive Director on legal issues as they affect the overall programs and policies of the Exchange Board; prepares formal and informal 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 constituencies, including state agencies; analyzes and responds to legal-related correspondence and telephone calls.
2. 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.

3. Reviews legislation and regulations for legal and program impact; drafts legislation and regulations; reviews bill analyses for program and administration policy as well as for legal issues.
4. 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.
5. 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.
6. Assists and advises lead program staff in assuring that the Board's internal systems comply with all applicable state and federal laws and regulations.
7. Supervises the work of outside counsel who may be engaged by the Board.
8. Supervises and manages the work of staff counsel.

Desirable Qualifications

- 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 on 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.