



STATE OF OREGON
POSITION DESCRIPTION

Position Revised Date:
08/28/2024

This position is:

- Classified
Unclassified
Executive Service
Mgmt Svc - Supervisory
Mgmt Svc - Managerial
Mgmt Svc - Confidential

Agency: Department of Consumer & Business Services

Facility: Labor & Industries Building

New Revised

SECTION 1. POSITION INFORMATION

Form with fields a-j: Classification Title, Classification No, Effective Date, Position No, Working Title, Agency No, Section Title, Budget Auth No, Employee Name, Repr. Code, Work Location, Supervisor Name, Position type, FLSA status, Eligible for Overtime.

SECTION 2. PROGRAM AND POSITION INFORMATION

a. Describe the program in which this position exists. Include program purpose, who's affected, size, and scope. Include relationship to agency mission.

The Department of Consumer and Business Services (DCBS) is Oregon's largest business regulatory and consumer protection agency. The department administers state laws and rules to protect consumers and workers in the areas of workers' compensation, occupational safety and health, financial services, insurance and building codes.

DCBS consists of the Workers' Compensation Division; Oregon Occupational Safety and Health Division; Division of Financial Regulation; Building Codes Division; Small Business Ombudsman; and Ombuds Office for Oregon Workers. The department provides shared services to all divisions through the Director's Office and Central Services Division. The department also provides shared services to the Workers' Compensation Board. DCBS employs 950 employees and has a biennial operating budget of approximately \$685 million.

The Health and PBM Compliance Unit is responsible for monitoring life and health insurance companies as well as pharmacy benefit managers for compliance with the Insurance Code and other applicable laws. The team conducts targeted examinations, investigates alleged violations of law, and conducts market analyses to assess compliance, understand emerging issues, and market trends. Team members work closely with other teams to share information, develop strategies, and inform and shape division-wide policy.

b. Describe the primary purpose of this position, and how it functions within this program. Complete this statement. The primary purpose of this position is to:

The purpose of this position is to establish and run the department’s pharmacy benefit manager compliance program. The position will serve as the department’s lead analyst, project manager, and subject matter expert on the pharmacy benefit manager industry and market. The program will impact the practices and finances of pharmacies, pharmacy benefit manager, and health insurers across the state. The position will be responsible for developing market surveillance techniques, complaint intake procedures, complaint investigation procedures, and case management processes. This position will also be responsible for investigating complaints against pharmacy benefit managers, reviewing business practices for compliance with ORS 735.534, working with regulated entities on remediation plans, conducting stakeholder outreach and education, documenting cases for referral to the enforcement team, and consulting with the enforcement team on appropriate sanctions for regulated entities. Analysis, insights, and recommendations provided by this position will impact, and be relied upon by, the DCBS director/state insurance commissioner, the Prescription Drug Affordability Board, the Universal Health Plan Governance Board, the Oregon Health Authority, and legislators.

SECTION 3. DESCRIPTION OF DUTIES

List the major duties of the position. State the percentage of time for each duty. Mark “N” for new duties, “R” for revised duties or “NC” for no change in duties. Indicate whether the duty is an “Essential” (E) or “Non-Essential” (NE) function.

% of Time	N/R/NC	E/NE	DUTIES
-----------	--------	------	--------

Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit “Enter”.

55%	N	E	<p>Pharmacy Benefit Manager Compliance Program Development and Leadership</p> <p>Develop and maintain a solid understanding of the legislative intent of ORS 735.534, monitor state and federal laws governing the sale and reimbursement of prescription drugs, and analyze the market dynamics between health insurers, pharmacy benefit managers, pharmacies, and consumers.</p> <p>Provide consultative advice to DCBS leadership, other executive agencies, and legislators on the administrative, policy, and programmatic aspects of PBM regulation for the state of Oregon. Develop long-range plans, goals, objectives and milestones. Evaluate the effectiveness of the PBM compliance program.</p> <p>Design data calls to better monitor and evaluate PBM compliance and impact on consumers and the broader health care industry. Monitor trends in the insurance, pharmacy, and pharmacy benefit manager industries. Analyze the impacts those trends will have on consumers and the insurance marketplace. Lead and coordinate the necessary efforts within the division to monitor and manage the identified trends. Make public policy recommendations to the legislature.</p>
-----	---	---	--

		<p>Perform specialized analysis of pharmacy benefit managers by reviewing various factors, including but not limited to: complaint trends, financial trends, investigations, other states' market conduct actions, and drug price transparency programs.</p> <p>Document all aspects of the analysis in files maintained by the analyst. Prepare summaries of important findings and make recommendations resulting from the analysis to section manager and executive team.</p> <p>Investigate complaints that pharmacy benefit managers have violated in the Insurance Code. Develop, implement, and maintain a system of records for complaints and investigations against pharmacy benefit managers. Document violations of law and refer enforcement cases to the enforcement unit. Consult with the enforcement team on the appropriate sanctions for compliance violations. Monitor changes to existing laws and propose changes to examination procedures.</p> <p>Design processes and procedures to surveille the PBM market, route analysis files, and advise the administrator, agency director, and other key staff on the success of the program. Evaluate effectiveness of PBM compliance program through comprehensive operational research. Develop new information about PBM complaints and compliance; establish criteria to identify and measure program effectiveness; develop methods to improve operations or develop new approaches to program evaluation that serve as precedents for others. Develop processes for systematic organizational improvement. Design and oversee the collection of data for organizational surveys; analyze data, evaluate findings and recommend policy and operational changes. Develop detailed plans, goals and objectives for the long-range implementation and administration of programs. Design decision processes and models. Collaborate with information system staff to automate business processes. Coordinate transition from old to new automated business systems.</p>
25%		<p>Policy Analysis and Legislative coordination</p> <p>Track state and federal developments in public policy, regulation, and market dynamics of the pharmaceutical and health insurance industries. Analyze data collected through the PBM compliance program and provide consultative advice to Oregon and other states' drug price transparency programs, prescription drug affordability boards, insurance commissioners, and health authorities.</p> <p>Evaluate legislation affecting pharmacy benefit managers for fiscal and other programmatic impact. Develop legislative concepts through collaborative efforts with DCBS and other agency staff, industry stakeholders, and consumer groups. Write suggested draft language for legislative bills. Coordinate the writing or write reports outlining impact of legislative proposals on the PBM compliance program. Monitor federal or state legislation, and evaluate for impact on the pharmaceutical industry and PBMs; plan needed changes in operations and procedures in response to legislative and regulatory chances. Research and prepare background information on legislative proposals for use by executive management; recommend agency position. Translate legislation into program goals, actions and service plans. Recommend changes in legislation to bring about</p>

			needed changes in program operations. Assists the policy team in talking points, data, and other information necessary to convey the department's position on legislative matters. Serves on rulemaking advisory committees.
10%			<p>Stakeholder outreach and education</p> <p>Review, analyze, and respond to correspondence from pharmacies, PBMs, insurers, consumers, and other state and federal government entities regarding the PBM compliance program.</p> <p>Engineer and administer public fora to educate stakeholders and answer questions regarding the PBM compliance program and ORS 735.534. Create content for DFR website, print, and social media to educate the public on the PBM compliance program.</p>
10%	N	NE	Other duties as assigned
Ongoing	N		Perform position duties in a manner which promotes customer service and harmonious working relationships, including treating all persons courteously and respectfully. Engage in effective team participation through willingness to assist and support co-workers, supervisors, and other work-related associations. Develop good working relationships with division and agency staff and supervisors through active participation in accomplishing group projects and in identifying and resolving problems in a constructive manner. Demonstrate openness of constructive criticism and suggestions, and an effort to strengthen work performance. Contribute to a positive, respectful and productive work atmosphere. Regular attendance is required to meet the demands of this job and to provide necessary services.
Ongoing	N		<p>Data Stewardship</p> <p>As a Data Steward responsible for both the managerial and operational roles, has the responsibility and authority to approve and signoff on IMD Service Requests, Risk Assessments, and System Access Requests. Ensures that data entry staff are trained and have desk manuals, and that data quality processes and appropriate internal controls are in place. Proposes and implements processes to ensure data quality and internal controls, assesses the quality of data, resolves data issues, maintains business rule and data definition information, and coordinates changes to the meaning of data.</p>

SECTION 4. WORKING CONDITIONS

Describe any on-going working conditions. Include any physical, sensory, and environmental demands. State the frequency of exposure to these conditions.

Open office work environment with factors that include noise, overhead lighting, and temperature variations during weather transitions. Requires moderate amount of in- and out-of-state travel for training, examinations and meetings with industry representatives and other regulators. Occasional evening and weekend work may be required to stay abreast of workload during periods of peak activity, and during the biennial legislative session

May deal with angry people who are the subject of investigation an facing administrative, civil or criminal sanction. The position is occasionally subjected to pressure by investigative reports for print and electronic media in search of a story, or by state and federal legislators on behalf of constituents.

SECTION 5. GUIDELINES

- a. List any established guidelines used in this position, such as state or federal laws or regulations, policies, manuals, or desk procedures.

Oregon Insurance Code, other related Oregon Statutes, Administrative Rules, Division Bulletins, Federal publications from Center for Medicare and Medicaid Services, Department of Health and Human Services, Internal Revenue Code, Bureau and Department of Labor, National Association of Security Dealers Notice to Members, NAIC SVO, Treasury Regulations, Medical Terminology, Insurance Service Office publications, NAIC Model Regulations and Guidelines, Division interpretation files, Diagnostic and Statistic Manual – 5th edition, CPT and HCPCS coding books, various weekly and monthly industry publications.

Data Stewardship References:

IRM-04 – DCBS Application Development Policy, IRM-07 – DCBS Corporate Data Policy Public Records laws (ORS 192.501), Credit card standards, DAS IRMD Security Guidelines, HB 1212 UETA (Uniform Electronic Transaction Act), HB 3839 (Keep electronic funds transfer data private), Oregon Digital Signature Law, Consumer privacy (in financial services).

- b. How are these guidelines used?

Position requires a working knowledge of the above documents in order to understand the business practices, records and requirements of pharmacy benefit managers.

SECTION 6. WORK CONTACTS

With whom, outside of co-workers in this work unit, must the employee in this position regularly come in contact?

Who Contacted	How	Purpose	How Often?
<i>Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".</i>			
Health and PBM Compliance Section manager	In person, Email, Phone, Video conference	Report on market wide compliance of PBMs in Oregon; Provide updates on specific projects	Daily
Other section managers	In person, Email, Phone, Video conference	Report on market wide compliance of PBMs in Oregon; share information about health insurance and pharmaceutical sales trends	Daily
Other division staff	In person, Email, Phone, Video conference	Discuss investigations and market trends.	Daily
Pharmacy benefit manager representatives	In person, Email, Phone, Video conference	Conduct investigations and provide compliance guidance	Daily
Complainants	In person, Email, Phone, Video conference	Conduct investigations	Daily

IT&R Staff	In person, Email, Phone, Video conference	Resolution of system and data management issues and IT project issues	occasionally
Other state agencies, other jurisdictions, etc.	In person, Email, Phone, Video conference	Obtain information, provide public information	occasionally
Attorneys	In person, Letter, Email, Phone, Fax, Video Chat	Clarification of statutes/rules	occasionally
General public	In person, Letter, Email, Phone, Fax, Video Chat	Answer inquiries and complaints	occasionally

SECTION 7. POSITION RELATED DECISION MAKING

Describe the typical decisions of this position. Explain the direct effect of these decisions.

This position will make independent determinations, or in conjunction with others in the division if pharmacy benefit manager (a) complies with statutory requirements, (b) must take corrective action, or (c) should be referred for enforcement consideration.

This position will decide how to conduct market surveillance and what conclusions to draw from information collected from regulated entities.

ORS 735.530 to 552 grant the department rulemaking authority to carryout the provisions of this statute. This position will decide what changes to administrative rules are necessary to respond to changes in regulatory and market dynamics and decide

Inappropriate decisions may result in failure to protect the insurance buying public.

SECTION 8. REVIEW OF WORK

Who reviews the work of the position?

Classification Title	Position Number	How	How Often	Purpose of Review
Health and PBM Compliance Section Manager	0001.085	In person, Email, Phone, Video Conference	As needed, at least quarterly through PAF check-ins.	Determine if work is adequate and achieves the strategic objectives of the department and division.

Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".

SECTION 9. OVERSIGHT FUNCTIONS

THIS SECTION IS FOR SUPERVISORY POSITIONS ONLY

- a. How many employees are directly supervised by this position? 0
 How many employees are supervised through a subordinate supervisor? 0

b. Which of the following activities does this position do?

- | | |
|---|--|
| <input type="checkbox"/> Plan work | <input type="checkbox"/> Coordinates schedules |
| <input type="checkbox"/> Assigns work | <input type="checkbox"/> Hires and discharges |
| <input type="checkbox"/> Approves work | <input type="checkbox"/> Recommends hiring |
| <input type="checkbox"/> Responds to grievances | <input type="checkbox"/> Gives input for performance evaluations |

Disciplines and rewards

Prepares & signs performance evaluations

SECTION 10. ADDITIONAL POSITION-RELATED INFORMATION

ADDITIONAL REQUIREMENTS: List any knowledge and skills needed at time of hire that are not already required in the classification specification:

This position is eligible for hybrid work once the incumbent has gained the proficiency to perform work independently. The incumbent may occasionally be asked to work from the office on an as-needed basis. The incumbent will be responsible for transportation costs for reporting to their designated office site.

Position requires excellent oral and written communication and inter-personal skills, ability to work alone and as a team member and to be a strong self-starter.

Per ORS 731.228 no Division employee shall be a director, officer, or employee of or be financially interested in any person regulated by the insurance code, except as a policyholder or claimant under an insurance policy or by rights vested in commission, fees, or retirement benefits prior to being employed with the division.

As an employee, you must comply with the Oregon government ethics laws, ORS 244.010 – 244.280, and DCBS Policy EMP-01, Ethics and Conflict of Interest. DCBS employees will treat all people with dignity and respect and will not discriminate on the basis of race, color, ancestry, national origin, age, marital status, sexual orientation, political or religious affiliation, physical or mental disability, or military status.

Special Requirements:

Requires knowledge of industry patterns and trends in regard to products, marketing practices, pricing structures and investment practices. The ability to assess and coordinate actuarial memorandum with the forms. This requires the understanding of reserving requirements, pricing components, financing and delivery of products, rating and underwriting structures, industry patterns, trends, and marketing practices.

This position is subject to a fingerprinted criminal background check.

BUDGET AUTHORITY: If this position has authority to commit agency operating money, indicate the following:

Operating Area	Biennial Amount (\$00000.00)	Fund Type
----------------	------------------------------	-----------

Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".

SECTION 11. ORGANIZATIONAL CHART

Attach a current organizational chart. Be sure the following information is shown on the chart for each position: classification title, classification number, salary range, employee name and position number.

SECTION 12. SIGNATURES

Employee Signature

Date

Supervisor Signature

Date

Appointing Authority Signature

Date