

# UTAH DEPARTMENT OF HEALTH

## Attorney General Building Block

For many years, five (5) Assistant Attorney's General have provided legal support to all DOH programs including work for Medicaid Office of Program Integrity. A new Office of Inspector General /OIG was created and moved from DOH to the Governor's Office with expanded staff and new directives to pursue disallowed Medicaid payments. In FY14, the OIG was again moved from the Governor Office to Administrative Services.

Since the separation of OIG from DOH, legal work to support the OIG has expanded from about .25 FTE to a full time FTE. The legal work for the OIG has been moved from the AG Health Section but is funded by UDOH. In effect, DOH has lost a full time AG staff person to support other DOH programs. DOH is requesting funding to restore lost legal services for the remaining DOH programs. The requested attorney will provide legal support to specified areas of the Department of Health, which could include: litigation, rule development and interpretation, contract assistance, data security issues, and policy review.

The required legal work for UDOH was difficult to cover appropriately with 4 FTEs. This is primarily due to the increasing demands in the following areas:

1. Privacy and Security: UDOH has by far the largest amount of Personal Health Information than any other Department. The daily demands for creating the legal framework for making a Department wide security and privacy policies has begun to take significantly more time.
2. ACA and Medicaid expansion: Rule making and legal support for Medicaid in this new federal structure is increasing the attorney workload.
3. Contract Review: UDOH processes approximately 1200 contracts per year. The Agency has requested more thorough legal review of both the contracts and RFP's . Even returning to the former level of 5 FTEs this represents approximately 240 contracts per year. Without the fifth position this increased review and drafting of the contracts will not be feasible. A subset of the contracts that are requiring increasing scrutiny are the data sharing agreements that UDOH has with a variety of private and public entities. In the increasingly difficult environment described in #1 above these agreements are under constant scrutiny to insure compliance with new regulations and the increasingly problematic negotiations regarding the allocation of risk.
4. UDOH has requested Legal review of all hearing requests in the agency. This includes approximately 900 Medicaid hearings annually in addition to the hearings required by the various licensing divisions in the Department.



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Last year two of these matters were in litigation which required that the assigned attorney devote weeks of attention to those matters at the expense of the ongoing legal work.

5. There is an important need for capacity to provide coverage when the primary attorney is not available.

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Performance Measures:

Contracts: No more than 5 working days to have all legal review completed before sending the contract forward for signature.

Rules: No more than 3 working days to do legal review and submit final rule to EDO for approval.

Communications: Meet at least monthly with the appropriate Division Director or their designee to set priorities for legal support.

Budget:

General Funds:	\$60,000
Federal Funds:	\$60,000

All funding passed through to the Attorney General's Office.

Salary:	\$70,000
Benefits:	\$30,000
Current Expenditures:	\$20,000



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