

TEXAS BOARD OF NURSING

Position Description June 2013

- I. TITLE: Attorney III (3503) (B23)

- II. DEFINITION: Performs highly responsible professional legal and administrative work for the Board of Nursing. Handles prolonged, complex and/or unusual legal cases. Interprets laws and regulations; gives legal advice; prepares and reviews opinions, briefs and other legal documents; consults with agency General Counsel, trial attorneys and maintains liaison with the AG's office. Works under administrative direction of the agency General Counsel with wide latitude for individual professional action and decision.

- III. QUALIFICATIONS:
 - A. Personal
 1. Recognized personal and professional integrity that is necessary to maintain the respect of state officials, professional colleagues and the general public.
 2. A commitment to the agency's mission of public protection.
 - B. Education and Experience
 1. J.D. degree from an accredited institution.
 2. Licensed as an attorney by the Supreme Court of Texas.
 3. Should have one to five years experience in administrative, civil and/or criminal laws and procedures. Previous experience in the health care field is desirable, particularly knowledge of the Nurse Practice Act. A strong academic background may substitute for experience in administrative law and/or healthcare law.
 - C. Knowledge, Skills and Abilities
 1. Thorough knowledge of federal and state laws affecting the agency; of agency policies and regulations.
 2. Comprehensive knowledge of administrative and criminal laws and procedures.
 3. Thorough knowledge of rules of evidence, civil procedures, and discovery and investigative procedures.
 4. Problem solving and reasoning skills to recommend courses of action based on interpretation and application of court decisions, laws, rules and procedures.
 5. Skilled in writing clear, accurate opinions and briefs.
 6. Ability to communicate clearly, both verbally and in writing.
 7. Ability to deal with professionals under adversarial conditions.
 8. Ability to meet rigid deadlines.

Attorney III

IV. RESPONSIBILITIES:

Is administratively responsible to the agency General Counsel. Works in a collegial relationship with the agency's division directors, nursing consultants and investigators.

V. FUNCTIONS:

- A. Reviews all cases for potential disciplinary action, in conjunction with the board's investigators.
- B. Advises the board's investigators regarding evidence needed to prove charges.
- C. Prepares, in conjunction with the board's investigators, Charges, Notices of Hearings, Agreed Board Orders, Board Orders, Interrogatories and other legal documents relating to formal and informal disposition of contested cases and administrative proceedings.
- D. Files Charges in accordance with applicable law and rules of the agency.
- E. Examines and verifies the qualifications of expert witnesses.
- F. Conducts informal conferences and disciplinary hearings to adjudicate violators of the nurse practice act and rules governing the practice of nursing.
- G. Conducts discovery, in conjunction with the Assistant Attorney General.
- H. Monitors appeals, injunctions, or civil litigation handled by the Assistant Attorney General.
- I. Monitors the development and enactment of state and federal laws and rules which have an impact upon the practice of nursing or the Board of Nurse Examiners.
- J. Drafts rule changes, with assistance of appropriate agency staff.
- K. Responds to requests for Open Records information.
- L. Monitors the board's compliance with the Administrative Procedure and Texas Register Act, Open Meetings Act, Open Records Act and Nurse Practice Act.
- M. Provides assistance and maintains liaison with Attorney General's office, appropriate local, state and federal prosecutors, and other enforcement agencies involved in the investigation or prosecution of registered nurses and imposters.
- N. Drafts requests for AG opinions and responses to AG Opinion Requests, with assistance of appropriate agency staff.
- O. Keeps administration informed of changes in federal and state laws that affect the regulation of nursing education and practice and licensing and licensing examinations.
- P. Provides information, interpretations, and explanations of Nurse Practice Act and rules to board members, agency staff, and agency constituencies.
- Q. Conducts or assists in conducting presentations to professional groups.
- R. Provides legal advice regarding personnel matters.
- S. Will prepare and present cases to the State Office of Administrative Hearings.
- T. Performs work related duties as required.

VI. CONDITIONS OF EMPLOYMENT

- A. Licensed to practice law in the State of Texas.
- B. Refer to personnel policies for other conditions of employment.

C. *Position is exempt from the Fair Labor Standards Act (FLSA)*