



Attorney General Michelle A. Henry Job Posting – Deputy Attorney General II/III

| | |
|-----------------------|--|
| Section: | Medicaid Fraud Control Section/Criminal Law Division |
| Class: | Deputy Attorney General II/III |
| Location: | Norristown |
| Telework: | This position will report to the headquartered location a minimum of 2 days per week. You may have the opportunity to telework the remainder of the week, if desired and based on business need. |
| Position Type: | Full-time, Non-civil service, Non-union |
| Work Hours: | 8:30 – 5:00 |
| Salary Range: | DAG II: Pay Range 9 – Starting salary of \$73,722 DAG III: Pay Range 10 – Starting salary of \$84,264 |

Basic Function

White-collar corporate financial fraud investigations and in-depth investigations of neglect in nursing homes and other care facilities are the primary focus of the Medicaid Fraud Control Section (MFCS). This section is responsible for protecting the welfare of the most vulnerable members of our Commonwealth and acts as a watchdog of the Medicaid program, which pays for their medical coverage. The MFCS primarily investigates and prosecutes two types of cases: Medicaid Fraud and Neglect of a Care-Dependent Person.

Medicaid Fraud charges are brought against providers (as opposed to beneficiaries) who scam the program and cheat the taxpayers out of funds intended to provide healthcare to indigent Pennsylvanians. Examples of such providers include nursing homes, hospitals, doctors, dentists, pharmacists, ambulance and transportation companies, and home care workers. These cases are complex, white-collar criminal investigations, often involving millions of dollars, and MFCS attorneys will frequently utilize the Statewide Investigating Grand Jury to subpoena documents and question witnesses to dismantle elaborate criminal operations. The MFCS regularly combats the opioid epidemic by pursuing physicians who unnecessarily prescribe and then divert excessive amounts of controlled substances for profit.

The MFCS also investigates and prosecutes caregivers who neglect, abuse, and/or exploit care-dependent people. For this position, trial skills are a must as neglect cases regularly involve charges of murder, manslaughter, and/or aggravated assault. Recent MFCS neglect cases include: a nurse and a mother who neglected a disabled child, causing severe malnutrition and multiple hospitalizations; two personal care home managers who recklessly failed to prevent sexual abuse in a dementia unit; a nursing home manager

who understaffed his facility and endangered the residents; and a nurse who injured and killed residents by intentionally over-medicating them. Attorneys in this section must be comfortable working with doctors, medical examiners, nurses, and other health professionals to understand the medical aspects of the case and present expert testimony.

In all cases handled by the MFCS, Deputy Attorneys General are actively involved in every step of the investigation and prosecution. Our attorneys collaborate with a team of Special Agents throughout the investigation. The case attorney advises on legal issues, drafts and approves search warrants, directs grand jury proceedings, conducts proffers, approves wiretaps, and ultimately makes charging decisions. If charges are filed, the attorney is responsible for legal proceedings from bail recommendations to trial and sentencing. In some investigations, our attorneys prosecute cases jointly with federal authorities through cross-designation with the United States Attorney's Office.

Training and travel are regular opportunities within the MFCS. There may be occasions where this position will engage in outreach with our law enforcement and healthcare industry partners. As a member of the National Association of Medicaid Fraud Control Units (NAMFCU), MFCS staff regularly partner with other Medicaid Fraud Control Units from across the country on nationwide investigations, settlements, and prosecutions. There are also national NAMFCU training opportunities that allow MFCS attorneys to master the skills needed in this specialized area of the law and network with staff in other state Medicaid Fraud Control Units.

A Deputy Attorney General II (DAG II) handles noncomplex litigation with minimal supervision and appears in lower courts without a senior attorney. DAG II's also assist more senior attorneys on matters deemed to be more complex and difficult. A Deputy Attorney General III (DAG III) works independently on most matters except in extraordinary cases.

Examples of Duties

- Provides legal advice and guidance during the criminal investigative stage
- Reviews and approves search warrants and criminal complaints for legal sufficiency
- Drafts criminal informations and prepares discovery for court cases
- Conducts legal research in connection with motions and preparation for trial
- Prosecutes cases before statewide investigating grand juries, and in county Courts of Common Pleas and Magisterial District Judges across Pennsylvania
- May supervise junior attorneys
- May supervise clerical staff
- Engages in outreach efforts with law enforcement agencies and healthcare industry partners
- Answers routine correspondence
- Performs additional and related work as required

Minimum Experience and Training

Deputy Attorney General II:

- Graduation from an accredited school of law, admission to the Bar of the Supreme Court of Pennsylvania, and a minimum of two years of progressively responsible experience in professional legal work

Deputy Attorney General III:

- Graduation from an accredited school of law, admission to the Bar of the Supreme Court of Pennsylvania, and a minimum of three years of progressively responsible experience in professional legal work