



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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January 22, 2015

TO: Martha Branson

FROM: Holly Platz, SPHR
Director's Review Program Investigator

SUBJECT: Martha Branson v. Department of Social and Health Services (DSHS)
Allocation Review Request ALLO-14-020

Director's Determination

On December 30, 2014, we met for a Director's review teleconference to review the allocation of your Pharmacy Technician 1 position. Present during the review conference were you, Kristina Kristofferson, Pharmacy Technician Lead for the DSHS Medicare Part D program and Dorothy Hibbard, Human Resource Consultant for DSHS.

At the conclusion of the review conference, I requested a copy of the organizational chart showing the structure of the Medicare Part D program which you provided on December 30, 2014. (Exhibit C-3) I also allowed DSHS to provide a final written response to questions that arose during the teleconference and allowed you an opportunity to provide a written reply to DSHS's final written response. DSHS filed their response by email on January 5, 2015 (Exhibit C-1) and you filed your reply by email on January 16, 2015. (Exhibit C-2)

As the Director's Review Investigator, I carefully considered all of the documentation submitted in this matter, the exhibits and the verbal comments provided by both parties during the teleconference. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Pharmacy Technician 1 classification.

Background

DSHS's Classification and Compensation Unit received your Position Review Request (PRR) on January 10, 2014. (Exhibit B-2) You asked that your Pharmacy Technician position be reallocated to the Pharmacy Technician 2 classification. By letter dated February 4, 2014, DSHS determined that your position should be reallocated to the Pharmacy Technician 1 classification. (Exhibit B-1)

On February 27, 2014, the State Human Resources division received your request for a Director's review of DSHS's allocation determination.

Your position is located at Rainier School where you are the only Pharmacy Technician responsible for Medicare Part D billings. Each of DSHS's six Residential Habilitation Centers (RHCs) has a staff person assigned responsibility for Medicare Part D billings. The Rainier School Organizational Chart (Exhibit B-1 page 11) shows your supervisory reporting relationship within Rainier School. The DSHS/Aging and Disability Services Developmental Disability Administration Organization Chart shows the functional reporting relationship for the Medicare Part D program. (Exhibit C-3)

During the teleconference, we discussed the job duties listed in your PRR. Based on our discussion, 75% of your duties directly relate to Medicare Part D as shown below:

Medicare Part D:

- Medicare Part D billing
- Completing Prior Authorizations for Claim Payment
- Monitoring Part D accounts receivable system for payment accuracy.

You are also responsible for checking the narcotics inventory and charging for PRN medications (5%). The remaining 20% of your work is shared with other Pharmacy Technicians and includes:

- Routine order entry, filling, medication station outdate checks
- Ordering pharmacy supplies
- Receiving and ordering medications from distributor
- Filling in for other technicians when needed.

The following summarizes your perspective as well as DSHS's:

Summary of Ms. Branson's Perspective

You argue that Medicare Part D billing is an area-specific technical pharmaceutical task and that Rainier School is an inpatient nursing setting and therefore your position should be allocated to the Pharmacy Technician 2 class. In your letter requesting a review, you indicated that the primary responsibility of your position involves "determining patient enrollment/eligibility, processing medication claims, claim rejections, prior authorizations, appeals, accounts receivable, and all other duties associated with Medicare Part D billing." (Exhibit A-1) During the review conference, you clarified that you do not dispense medications. You assert that Rainier School has an automated dispensing system and that you also perform pharmaceutical tasks on Rainier School's inpatient nursing units. During the review conference you explained that each of Rainier School's three patient areas (PATs) has roughly eight living units and that each patient area has its own clinic and medication room and each living unit has its own medication room. You typically take care of the PAT A clinic and help out with the health center unit. In addition, you explained that you are the only Pharmacy Technician responsible for maintaining the medication disbursement records to assure that patients are credited for unused doses that are returned to the pharmacy. You further explained that Rainier School uses WORX software to create a medication fill list every fourteen days. Pharmacy Technicians fill the medication cart but you are responsible for maintaining the accuracy of the narcotics system. You assure the narcotic records are accurate and resolve discrepancies in the narcotics system such as when the book shows a dispense but there is no corresponding order.

Summary of DSHS's Reasoning

DSHS argues that WORX is not a dispensing system, rather it is software that generates a list. It does not dispense drugs such as a Pyxis system does. DSHS explains that Pyxis is an automated unit dose machine that is used at Eastern State Hospital and Western State Hospital but is not used at Rainier School. DSHS further explains that Rainier School has one pharmacy without any satellite pharmacies and that you are not assigned to an inpatient nursing unit. DSHS recognizes the Medicare Part D billing is a complicated process. DSHS also recognizes that you add the narcotic dispensing records to the automated system from the hard copy records that are used on a daily basis. However, as stated in Exhibit C-1, DSHS asserts that you "spend the majority of [your] time verifying the records of medication usage to ensure that Medicare is billed appropriately and not handling the medications directly. DSHS does not consider billing and tracking functions to be 'specific technical pharmaceutical tasks'." DSHS contends that your position is properly allocated to Pharmacy Technician 1 classification.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Class Specifications

The following classification standards, in descending order, are the primary considerations in allocating positions:

- a) Category concept (if one exists).
- b) Definition or basic function of the class.
- c) Distinguishing characteristics of a class.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

In addition, while not allocating criteria, the typical work or examples of work statements provide support to the duties typically performed at each level within the class series.

The definition for the Pharmacy Technician 2 classification states:

Performs specialized, technical pharmaceutical tasks such as maintaining a narcotics vault, maintaining an automated medication distribution system and performing unit dose medication checking in a central pharmacy that supports one or more satellite pharmacies operating under the supervision of an on-site pharmacist or performs area-specific technical pharmaceutical tasks on an inpatient nursing unit or an ambulatory clinic.

The Pharmacy Technician 2 distinguishing characteristics state:

Under general supervision and control of a licensed pharmacist, independently performs specialized, technical pharmaceutical functions such as unit dose medication checking, maintaining a specific area or function within the pharmacy, acting as a resource for medication distribution systems, and/or serving as a liaison for assigned nursing units or ambulatory clinics.

Charging and billing functions are included in the typical work statements for both the Pharmacy Technician 2 and 1 classes. Therefore, either level can perform this function. However, DSHS provided persuasive argument that Medicare Part D billing is not a specialized, technical pharmaceutical task as envisioned in the Pharmacy Technician 2 classification. Rather, Medicare Part D billing is a billing and tracking function.

Medicare Part D billing comprises the majority of your work. This work is best described as a complicated task that requires you to have in-depth knowledge of Medicare Part D billing processes. While your position is the only position at Rainier School assigned this responsibility that does not mean that the tasks you perform to determine patient enrollment/eligibility and to process claims, claim rejections, prior authorizations, appeals, and accounts receivable are specialized pharmaceutical tasks. Rather, your responsibility for Medicare Part D billing is best described as applying specific knowledge of billing practices and requirements in the performance of technical tasks related to the pharmacy billing and medication tracking functions.

In addition, Rainier School has one central pharmacy. While the PATs and living units have medication rooms, these are not satellite pharmacies. And, WORX is a software program, not a medication distribution system.

For the reasons discussed above, your position does not fit the definition and distinguishing characteristics of the Pharmacy Technician 2 class.

The definition for the Pharmacy Technician 1 classification states: "[p]erforms a variety of technical pharmaceutical tasks in a central or satellite pharmacy."

The distinguishing characteristics for the Pharmacy Technician 1 state:

Under general supervision and control of a licensed pharmacist, independently performs a variety of technical pharmaceutical functions such as compounding medications, preparing prescriptions, preparing intravenous admixtures, and performing order entry of prescriptions into the pharmacy computer.

When viewed in totality, the duties and responsibilities assigned to your position best align within the Pharmacy Technician 1 class. You perform a variety of pharmaceutical tasks primarily in a central pharmacy. You function independently and are responsible for the technical tasks related to Medicare Part D billing. In addition, you maintain medication disbursement records to assure residents are reimbursed for unused medications and assure narcotics records are accurate. These duties are consistent with the duties described in the Pharmacy Technician 1 class.

Each classification within the state personnel system encompasses a range of duties. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be

allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

The majority of your duties and responsibilities best fit the Pharmacy Technician 1 classification. Your position is properly allocated.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the Washington personnel resources board. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

c: Dorothy Hibbard, DSHS
Lisa Skriletz, SHR

Enclosure: List of Exhibits

A. Martha Branson Exhibits

1. Letter requesting Director's Review dated February 26, 2014 (1 page)
2. DSHS review determination letter with Ms. Branson's handwritten notes (5 pages)
3. Original Position Review Request December 2014 (5 pages)

B. DSHS Exhibits

1. Allocation decision letter, PDF, and organizational chart (Pages 1 – 11)
2. Position Review Request from employee (Pages 12 – 17)
3. Pharmacy Technician class specification (Pages 18 – 19)
4. Pharmacy Technician 1 class specification (Pages 20 – 21)
5. Pharmacy Technician 2 class specification (Pages 22 – 23)

C. Investigator's Exhibits - additional information requested by investigator

1. January 5, 2015 final statement from DSHS
2. January 16, 2015 final statement from Martha Branson
3. DSHS/Aging and Disability Services Developmental Disability Administration Organizational Chart