

**Department of Transformation and Shared Services**

Governor Sarah Huckabee Sanders

Secretary Leslie Fiskien

Director Kay Barnhill

October 18, 2023

The Honorable Breanne Davis, Co-Chairperson
 The Honorable Mark Berry, Co-Chairperson
 Uniform Personnel Classification and
 Compensation Plan Subcommittee
 Arkansas Legislative Council
 State Capitol Building, Room 315
 Little Rock, Arkansas 72201

Dear Senator Davis and Representative Berry:

The Office of Personnel Management (OPM) submits a request from the Arkansas Department of Commerce (ACOM), Insurance Department for your review.

The Arkansas Insurance Department (AID) is requesting one (1) pool position from the OPM surrender pool established by Arkansas Code Annotated § 21-5-225 (a). The classification requested and surrendered position are listed below:

CLASSIFICATION REQUESTED

<u>CLASS CODE</u>	<u>TITLE</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
G010C	ACOM Division Manager	GS12	\$69,776 – \$101,175

POSITION SURRENDERED

<u>POSITION NUMBER</u>	<u>TITLE</u>	<u>CLASS CODE</u>	<u>GRADE</u>	<u>SALARY RANGE</u>	<u>LAST DATE VACATED</u>
22158517	Insurance Senior Examiner	A042C	GS09	\$50,222 – \$72,822	07-29-2023

The Honorable Breanne Davis, Co-Chairperson
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JUSTIFICATION

The Arkansas Department of Commerce currently possesses four (4) positions authorized as G010C, ACOM Division Manager. The Department needs a fifth position authorized as this classification situated within Insurance Department's Pharmacy Benefits Manager (PBM) Division. This position's responsibilities will include ensuring adherence to standards determined by the Arkansas Pharmacy Benefits Manager Licensure Act, ensuring adherence to AID's internal regulations, coordinating the operations of subordinate personnel within their PBM Division, as well as providing reports to various legislative committees upon demand pertaining to PBM enforcement and regulatory activities. This position will additionally be required to work with pharmacies, pharmacy trade interest groups, and trade associations pertaining to PBM complaints and inquires.


RECOMMENDATION

The Office of Personnel Management (OPM) has reviewed this request from the Arkansas Department of Commerce (ACOM), Insurance Department and recommends the establishment of one (1) surrender pool position authorized as G010C, ACOM Division Manager. The cost for this one (1) surrender pool position is approximately \$85,824.48. The agency guarantees our office that it possesses sufficient funding to support this surrender pool position request.

Your consideration of this request is greatly appreciated.



STATE PERSONNEL DIRECTOR

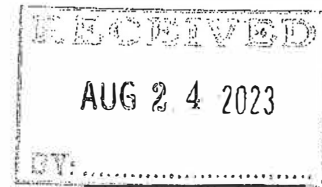


DATE

KB/jlh:1-2



Department of Transformation and Shared Services
Office of Personnel Management
Request for Pool Position



Business Area

0425

Department Name / Agency Name

Arkansas Insurance Department

Date

08/21/2023

Position(s) to be Surrendered

Position/Item Number Classification Title

2215-8517

Insurance Senior Examiner

Pay Grade

GS09

Class Code

A042C

Classification(s) Requested

Classification Title

ACOM Division Manager

Pay Grade

GS12

Class Code

G010C

I hereby certify that:

- A. The position requested is critical to the operation of this Agency and a detailed justification for this request is attached. (Justification should be detailed and not less than one typed page in length.)
- B. Sufficient funds are available to fund this position at the requested grade.
- C. This is a full-time position that will not be used for any other purpose than that which is outlined in the attached narrative.
- D. The position to be surrendered is the highest grade position available and the loss of this position will not adversely affect the operation of this Agency.
- E. No current employee will be displaced by this action.

HR Administrator's Signature

08/21/2023

Date

Department Secretary's Signature

Date

8/23/23

Request for Pool Position (Revised 03/01/2021)



Sarah Huckabee Sanders
GOVERNOR

Hugh McDonald
SECRETARY OF COMMERCE

August 22, 2023

Ms. Kay Barnhill, Director
Office of Personnel Management
Department of Transformation and Shared Services
501 Woodlane Ave, Suite 205
Little Rock, AR 72201

Re: Request to Utilize the OPM Surrender Pool to Establish One (1) Position in Exchange for Surrendering One (1) Position/Arkansas Insurance Department/PBM Division

Dear Ms. Barnhill:

The Arkansas Insurance Department, a division within the Arkansas Department of Commerce, respectfully requests to utilize the OPM surrender pool to establish one (1) position in exchange for surrendering one (1) position. This request is being made due to the 2018 Arkansas Pharmacy Benefits Manager Licensure Act that was enacted to establish standards and criteria for the regulation and licensure of Pharmacy Benefit Managers (PBM). The agency requests to obtain the following:

New Position

- ACOM Division Manager, GS12, G010C (1)

And surrender the following one (1) position:

- Insurance Senior Examiner, GS09, A042C (1)

The ACOM Division Manager is a position needed in AID's (PBM) Pharmacy Benefits Managers Division. As regulation and licensing of PBMs expands/ increases with each general session of our legislature, so does the need for a more robust PBM unit to keep up with that higher demand, including a director and staff for the unit. The Division Manager shall be responsible for regulating and enforcing the Arkansas' PBM ("Pharmacy Benefit Mangers") Licensure Act and PBM rules and regulation of the Arkansas Insurance Department ("AID") and coordinating a staff in the PBM division to effectuate such regulation and AID state-wide PBM policies.

The subject matter of such regulation relates to regulating laws and regulations applying to pharmacy or drug benefits offered by all health insurers across this State. The PBM Division Manager shall administer and enforce such regulations with his or her staff. They will be required to interact daily with pharmacies, and pharmacy trade interest groups, or trade associations, pertaining to PBM complaints or inquiries. They will also be required to provide testimony and reports to State Legislature or various legislative committees pertaining to PBM enforcement and regulatory activities.

Ms. Kay Barnhill
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The ACOM Division Manager will report directly to the Arkansas Insurance Commissioner.

Limited Qualified Candidates

Attracting qualified applicants with required technical expertise and professional designations is difficult due to numerous limiting factors. The addition of this position will aid us in attracting qualified applicants.

Your consideration of this request is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Hugh McDonald", written over a horizontal line.

Hugh McDonald
Secretary



Department of Transformation and Shared Services
Office of Personnel Management
Position Classification Questionnaire

General Information

Business Area: 0425 Agency: Arkansas Insurance Department
Preparer's Name: Booth Rand Date: 8-21-23
Position Number: _____ Class Code: _____ Grade: 12
Job Title: PBM Division Manager
Incumbent's Name: _____
Supervisor: Russ Galbraith

Reason why position is being submitted for evaluation:



New Job/Title



Significant Change in Duties or Responsibilities

If there has been a significant change in duties or responsibilities, please describe in detail the changes and attach any other documents that illustrate your explanation:

Describe the position:

List up to 10 primary job duties this position performs or is expected to perform, in order of importance. Include the frequency of occurrence (daily, weekly, monthly, etc.) and percentage of time dedicated to each duty. **DO NOT** use acronyms or abbreviations.

<u>JOB DUTY</u>	<u>FREQUENCY</u>	<u>% TIME</u>
Reviews, processes and enforces pharmacy complaints against PBM's under the PBM Licensure Act and A/D Rules	Daily	100
Manages and directs staff assigned to Division to carry out enforcement of the PBM Licensure Act	Daily	100
Advises Commissioner, Pharmacy interest groups, and legislative committees related to PBM enforcement activities	Monthly	40
Recruits and selects, or oversees selection and hiring of candidates for the PBM Division	Quarterly	5

Check one (1) of the following that best describes the overall working hours associated with this position. "Overtime" in this section means instances where an employee works more than 40 hours per week, regardless of actual overtime eligibility.

<input checked="" type="checkbox"/>	Works regular shifts, daily and weekly; rare instances of overtime required.
<input type="checkbox"/>	Some irregularities in hours because of overtime requirements, infrequent weekends and/or shift rotation, travel, etc.
<input type="checkbox"/>	Considerable irregularity of hours because of frequent overtime, frequent weekends, shift rotation, on-call availability, or travel.
<input type="checkbox"/>	Frequently requires highly irregular and unpredictable or particularly long work hours, such as attendance and participation at evening and/or weekend meetings, covering more than a single shift, extended travel, etc.

Check one (1) box that best describes the risk of negative consequences resulting from the actions of an incumbent in this position:

<input type="checkbox"/>	Low Risk —although job may have some variety of tasks, work assignments use standard procedures and are generally basic and routine. Assignments are generally closely monitored. Makes minor decisions.
<input checked="" type="checkbox"/>	Medium Risk —job has somewhat complex tasks requiring the regular use of professional judgment. Supervision is general and may be infrequent.
<input type="checkbox"/>	High Risk —Job has very complex tasks requiring high level of professional judgment. Makes decisions carrying high degree of responsibility where there may be little or no precedent; acts independently with little oversight.

Check one (1) type of environmental condition to which the person occupying this position would normally be exposed:

<input checked="" type="checkbox"/>	Normal office working conditions with no major sources of discomfort. Very low risk of minor physical injury.
<input type="checkbox"/>	Fair working conditions with routine discomforts. Position may require occasional work in the elements, moderate exposure to heat cold, moisture/wetness, soiled materials, or light chemical substances/cleaning solutions. Moderate risk of minor physical injury, relatively low risk of significant physical injury.
<input type="checkbox"/>	Difficult working conditions with frequent exposure to undesirable or hazardous working conditions. Position requires routine exposure to the elements regardless of conditions, dangerous chemical substances, or other inherently dangerous conditions. Substantial risk of significant physical injury.

Does a person occupying this position have fiscal responsibilities?

Yes ☐

No ☒

In dollars, how large is the budget for which this position is responsible?

If yes, please describe the fiscal responsibilities this person has, such as managing a budget, filling out purchase requisitions, approving transactions, maintaining employee salaries, etc.:

N/A

Supervision and Oversight

Check one (1) of the following leadership responsibilities a person occupying this position has:

<input type="checkbox"/>	Does not supervise other staff.
<input type="checkbox"/>	Leads peers on a regular basis but is not the direct supervisor. May help direct, schedule, or monitor staff, but does not hire, fire, or evaluate other employees.
<input type="checkbox"/>	Is the front-line supervisor over two or more full-time employees. Hires, fires, and evaluates subordinates.
<input checked="" type="checkbox"/>	Is the manager of a unit, section, or major function and typically also supervises personnel who are front-line supervisors or persons having professional-level responsibilities.
<input type="checkbox"/>	Is the director of a division, department, or large program and typically supervises management personnel and indirectly supervises subordinate staff under this position's line of authority.

If you indicated that this position supervises other employees, how many direct reports does this person have?

1, but has another position open to hire

If you indicated that this position supervises other employees, how many indirect reports does this person have?

2

Please list the class code, title, and number of employees for each classification supervised by the person in this position. If necessary, attach additional sheets.

CLASS CODE	TITLE	GRADE	# OF EMPLOYEES
X123C	Insurance Investigator	GS05	1
C046C	Legal Support Specialist	GS04	1

How many supervisors does the person in this position supervise? If none, enter 0.

0

If you answered with a number other than 0 to the question above, for which divisions/sections/offices is this person responsible?

Check one (1) of the following statements that best describes this position:

<input type="checkbox"/>	Receives clear and specific instructions and/or follows standardized instructions or procedures without ongoing supervision. Work is checked for accuracy, adequacy, and adherence to instructions. Consults with supervisor on matters not covered by the original instructions or guidelines.
<input type="checkbox"/>	Receives moderate to limited supervision working from objectives set by supervisor. Organizes and carries out most assignments in accordance with standard practices, instructions, or previous training. Makes minor decisions routinely; may handle some unusual situations independently.
<input checked="" type="checkbox"/>	Receives general direction working from established policies and objectives. Plans and carries out assignments and resolves most conflicts that arise. Exercises judgment in the analysis of facts or conditions regarding individual issues. Completed work is checked only to determine compatibility with other work or effectiveness in meeting agency objectives.
<input type="checkbox"/>	Receives only broad administrative guidance. Assignments are in terms of setting objectives within strategic planning goals. Has responsibility for planning, designing, and implementing programs, projects, or studies and sets goals for major unit. Acts independently; approval from higher authority is conceptual with generally little reference to detail.

Education, Experience, and Skills

Check one (1) of the following educational levels which best describes the minimum required—regardless of the preferred level or the current incumbent's level—to be able to perform this job at a basic level of performance:

<input type="checkbox"/>	High School or Equivalent —requires enough basic education to understand and follow standard practices and instructions. May require some specialized courses, certifications, or licenses of limited scope.
<input type="checkbox"/>	Associate's Degree or Skilled Trade Certificate —requires knowledge of a specialized field or trade. Additional training equal to two (2) years of college, technical school, business school, or skilled trades training. May require licensing or certification.
<input type="checkbox"/>	Bachelor's Degree or Equivalent —requires professional level knowledge in a specialized or technical field such as those for which bachelor's degrees or IT certifications are commonly awarded. Additional training equal to successful completion of four (4) years of college or study.
<input type="checkbox"/>	Master's Degree —requires advanced knowledge and skills and expertise in a specific field. Requires the ability to understand and apply principles and practices of field or more than one (1) field. Requires one (1) to two (2) years' work in an accredited graduate school leading to degree. Recognized as subject matter expert.
<input checked="" type="checkbox"/>	Doctoral Degree —requires highly advanced knowledge and skills and mastery of a specific field. Ph.D., J.D., M.D., Ed.D. or similar doctoral level degree normally requiring at least three (3) years of work in an accredited graduate school leading to degree. Often must possess license and pass professional examination in order to practice in field.

Is a license required in order to perform this job? If so, what license is required? **DO NOT INCLUDE DRIVERS LICENSES OR NOTARIES PUBLIC.**

no

Check the level of experience necessary—regardless of the preferred level or the current incumbent's level of experience—at the time of hire in order to perform this job at a basic level of performance.

<input type="checkbox"/>	Less than a year
<input type="checkbox"/>	1 to 2 years
<input type="checkbox"/>	3 to 5 years
<input checked="" type="checkbox"/>	5 to 7 years
<input type="checkbox"/>	8 or more years

If this position normally supervises other employees, check the level of supervisory experience necessary—regardless of the preferred level or the current incumbent's level of experience—at the time of hire in order to perform this job at a basic level of performance:

<input checked="" type="checkbox"/>	Less than a year
<input type="checkbox"/>	1 to 2 years
<input type="checkbox"/>	3 to 5 years
<input type="checkbox"/>	5 to 7 years
<input type="checkbox"/>	8 or more years

Check one (1) of the following that best describes the physical effort required for this position:

<input checked="" type="checkbox"/>	Light —physical effort normally found in clerical or office work. Work is primarily sedentary; however, occasional handling of objects up to 10 lbs. and occasional walking and standing is required.
<input type="checkbox"/>	Moderate —physical effort represented by frequent handling of objects and/or materials of moderate weight (10-20 lbs.) and/or frequent use of light hand tools. May require walking or standing much of the time.
<input type="checkbox"/>	Substantial —physical effort represented by frequent handling of object and/or materials of substantial weight (20-50 lbs.) and/or frequent use of medium hand or power tools. In addition to considerable walking or standing, may require climbing and working from ladders or working in awkward positions.
<input type="checkbox"/>	Strenuous —Physical effort represented by frequent handling of heavy objects (50+ lbs.) and/or materials and work and/or frequent use of heavy hand tools. Work is often exposed to elements or in non-climate controlled conditions.

Please list any other knowledge, abilities, or skills necessary to perform the duties of this position. Examples include: computer skills, communication skills, organizational skills, etc. **DO NOT** copy from another job description.

Communication and Organizational Skills. Position will be responsible for regulating pharmacy benefit manager ("PBM") activities, state-wide, with a staff to review and enforce such regulations. Position manager will have a staff at this time, of two (2) employees, to assist in the enforcement of the State's PBM Licensure Act and rules; position therefore will require coordination and organizational skills. In addition, position manager may be required to communicate occasionally with the State Legislature and with various trade interest groups related to pharmacy complaints or inquiries pertaining to PBM activity complaints.

Please include any other information that may aid in the preparation of an accurate description of this position.

Position manager shall be responsible for regulating and enforcing the Arkansas' PBM ("Pharmacy Benefit Managers") Licensure Act and PBM rules and regulation of the Arkansas Insurance Department ("AID") and coordinating a staff in the PBM division to effectuate such regulation and AID state-wide PBM policies. The subject matter of such regulation relates to regulating laws and regulations applying to pharmacy or drug benefits offered by all health insurers across this State. Position manager shall administer and enforce such regulations with his or her staff. Position manager will report directly to the Arkansas Insurance Commissioner. Position manager will be required to interact daily with pharmacies, and pharmacy trade interest groups, or trade associations, pertaining to PBM complaints or inquiries. Position manager may be required to provide testimony and reports to State Legislature or various legislative committees pertaining to PBM enforcement and regulatory activities.

Approvals

SUPERVISOR REVIEW

I have reviewed this document and the information contained herein is true and accurate to the best of my knowledge.

Name: Russ Galbraith

Title: Insurance Chief Deputy Commissioner

Date: 08/21/2023

Signature: 

AGENCY HR ADMINISTRATOR REVIEW

I have reviewed this document and the information contained herein is true and accurate to the best of my knowledge.

Name: Dr. Tasha Pankey

Title: Human Resources Director

Date: 08/21/2023

Signature: 