



**Indiana
Department
of
Health**



Eric J. Holcomb
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

October 2, 2023

Indiana State Ethics Commission
Office of the Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202

FILED

OCT 12 2023

**INDIANA STATE
ETHICS COMMISSION**

RE: IC 4-2-6-11 Post-employment waiver

Indiana State Ethics Commission,

As the Appointing Authority of the Indiana Department of Health, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Debra Franco in her post-employment with Larris-IFY Home Care.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of
(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

To promote, protect, and improve the health and safety of all Hoosiers.

2 North Meridian Street • Indianapolis, Indiana 46204 • 317-233-1325 • health.in.gov

An equal opportunity employer.

The Indiana Department of Health is accredited by the Public Health Accreditation Board.



- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Ms. Franco served as the Nurse Surveyor Area Supervisor in the Home and Community-Based Care Division at the Indiana Department of Health before retiring in August 2023. This position did not involve decision-making authority over contracts. Ms. Franco supervised a surveyor team in an area that included survey activity of Larris-IFY Home Care (Larris). In this role, she would have had some decision-making authority over survey activity and helped decide which federal and state tags were appropriate to cite during surveys. The resulting tags would be considered in determining Larris-IFY Home Care's eligibility for federal programs and enforcement activity by IDOH. However, Ms. Franco did not have final decision-making authority over tags or enforcement activity. Final decisions would be determined by the program director and division director supervising Ms. Franco. Larris was last surveyed by Ms. Franco and her team in May 2021.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

The position Ms. Franco hopes to secure with Larris-IFY Home Care would involve chart review, quality assessment and performance improvement activities on a part-time basis, (two days a week).

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is



likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Ms. Franco's proposed position with Larris will not involve any contact with IDOH surveyors or involvement in survey activity at the agency. Ms. Franco understands that she would need to be screened out of any such activity by her prospective employer until the 365 day "cooling off" period would have expired. Additionally, if the employment waiver is approved IDOH will provide a formal written notification to Ms. Franco and Larris that Ms. Franco must be screened out of contact with IDOH on all regulatory matters during the "cooling off" period.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Ms. Franco has extensive experience with Home Health Agencies and compliance with state and federal regulations. Her work reviewing charts and performing improvement activities would likely improve the quality of care for clients of Larris in addition to improving the record keeping for this agency. This additional oversight at Larris provides an overall benefit for the public by improving the services they provide to the community.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

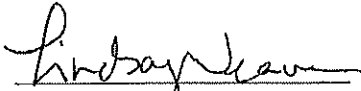
A denial would result in a substantial economic hardship. Ms. Franco is currently dealing with a health condition and requires this additional income to pay for costly medications not covered by her health insurance.

C. Signatures

1. Appointing authority/state officer of agency




By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.


Lindsay Weaver, MD, FACEP

10/02/2023
DATE


2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).


Erin R. Elam

10/02/2023
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
	
<u>Katherine Noel, Chair, State Ethics Commission</u>	<u>10-12-2023</u>
	Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to:
info@ig.in.gov
Upon receipt you will be contacted