



INDIANA
STATE ETHICS COMMISSION

MAR 12 2020

FILED

STATE OF INDIANA
Department of Correction

Indiana Government Center—South

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Eric J. Holcomb
Governor

Robert E. Carter Jr.
Commissioner

IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of the Indiana Department of Correction, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Monica Gipson in his/her post-employment with Wexford Health of Indiana.

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.
- 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:

- a. Monica Gipson has been employed by IDOC as the Executive Director of Physical Health Services. In that role, Ms. Gipson's job duties require her to be actively involved in the administration of the contract between IDOC and the medical vendor, which has been Wexford of Indiana, LLC ("Wexford") since April 2017. This has included reviewing and revising procedures, protocols and standards of care related to physical health and dental health services. All decision-making authority over policies, rules, or contracts were at the sole discretion of IDOC's Chief Medical Officer ("CMO"), who was Ms. Gipson's direct supervisor.

Ms. Gipson's role requires her to gather, maintain and review information to ensure that the medical vendor's performance is within compliance and that the terms of the contract are being executed successfully at all IDOC facilities. In order to fulfill this requirement, Ms. Gipson has been required to collaborate with the CMO and Health Service Quality Assurance Managers ("QAMs") to develop and implement contract monitoring criteria. The guidelines for meeting performance measures were set by the Contract between IDOC and Wexford.

The RFP used in the 2015/2016 medical procurement process was primarily recast from a previous RFP developed prior to Ms. Gipson's participation. However, she did make edits to the RFP, which were approved by the Chief Medical Officer at the time. Ms. Gipson acted in an advisory role during the procurement, but was not a voting member of the procurement team that ultimately selected Wexford.

Ultimately, while Ms. Gipson's job duties with IDOC have involved substantial involvement with the medical contract, policies and rules, the substantial decision-making authority has always been vested solely in the CMO, or higher positions.

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

- a. Ms. Gipson wishes to accept a position as Health Services Administrator at the Indiana Department of Correction's Reception & Diagnostic Center (RDC). RDC is the IDOC's intake unit for adult male criminal offenders, and the first place they are transported to after being sentenced. While at RDC, inmates are assessed with respect to their security level, any gang affiliation, their risk of reoffending,

their treatment and rehabilitative programming needs, their health care needs, their educational requirements, and in several other ways, before being assigned and transported to the appropriate prison to serve out their ordered period of incarceration.

This position with Wexford is a site-specific position (as opposed to a corporate or regional position). Her duties would include overseeing all health care processes conducted for IDOC at the Reception & Diagnostic Center in Plainfield, including medical assessments and inmate testing for various diseases according to statute. This position would compensate Ms. Gipson at a rate lower than she receives from IDOC, but offers her a much shorter commute to work, the opportunity to work with some wonderful staff, and would require less statewide travel.

- 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:**
 - a. This new position would have exclusive and ongoing contact with the Department of Correction. It would be providing on-site medical services congruent to that which she currently monitors. The services she would be providing at the facility would be subject to supervision and evaluation by others within the Agency.

- 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:**
 - a. Ms. Gipson's prospective employment will be significantly beneficial to the State of Indiana. Ms. Gipson's intended employment is consistent with the public interest of assuring that the State of Indiana is receiving the best possible services for which it has contracted. In Ms. Gipson's prospective role, her understanding of and demonstrated dedication to providing quality health services to offenders in the custody of IDOC will allow Ms. Gipson to provide hands-on guidance and oversight to providers in an IDOC facility. Ms. Gipson's former role with IDOC was an indirect, advisory position in relation to the actual execution of the services for which IDOC contracts with its medical vendor. In her anticipated employment, Ms. Gipson will benefit the public interest by directly advancing the quality and efficiency of care provided to offenders.

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

There will not be an economic hardship to Ms. Gipson if the request for the waiver is denied. Her salary at IDOC is higher than the salary she would make with Wexford.

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.

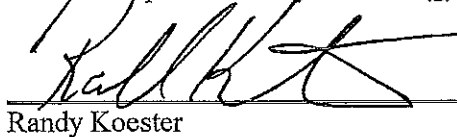


Rob Carter, Commissioner

2/28/2020
DATE

2. Ethics Officer of agency

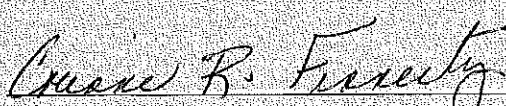
By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Randy Koester

2-28-2020
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
 Katherine Noel, Chair, State Ethics Commission ACTING	<u>3/12/20</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 with
details regarding the presentation of this
waiver to the State Ethics Commission.*

