



**Indiana  
Department  
of  
Health**



Eric J. Holcomb  
Governor

Lindsay M. Weaver, MD, FACEP  
State Health Commissioner

December 2, 2024

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

**FILED**

**DEC 12 2024**

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 Amber Denham in her post-employment with ViaQuest Hospice.

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](http://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. Denham currently serves as a Public Health Nurse Surveyor in the Home and Community-Based Care Division at the Indiana Department of Health. This position does not involve decision-making authority over contracts. Ms. Denham was assigned to an area that included survey activity of ViaQuest Hospice (ViaQuest). In this role, she did have decision-making authority over survey activity and decided which federal and state tags were appropriate to cite during a July 2024 re-licensure and recertification survey. The resulting tags are considered in determining ViaQuest's eligibility for federal programs and enforcement activity by IDOH. However, Ms. Denham did not have final decision-making authority over tags or enforcement activity. Final decisions would be determined by the area supervisor, program director and division director supervising Ms. Denham. During the July 2024 survey, ViaQuest was tagged for issues involving documentation. Ms. Denham returned to ViaQuest in August 2024 and conducted a follow-up survey found that the issues had been corrected.

Ms. Denham contacted IDOH Ethics Officer, Erin Elam, on November 6, 2024, to speak about her current personal situation and the possibility of an employment waiver to pursue an open position at ViaQuest that fit her needs. She then spoke with her program director and division director. As a result, before beginning the interview process at ViaQuest Ms. Denham was screened out of all survey activities involving ViaQuest and instructed not to access IDOH documents or speak with other surveyors about ViaQuest.



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

The position Ms. Denham hopes to secure with ViaQuest would involve Quality Assurance and Performance Improvement (QAPI). The position will involve collecting and compiling patient information to track and trend outcomes for the patients. The finding will be reported the administrator for ViaQuest, who oversees the QAPI program.

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. Denham's proposed position with ViaQuest will not involve any contact with IDOH surveyors or involvement in survey activity at the agency. Ms. Denham 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. Denham and ViaQuest that Ms. Denham 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. Denham has extensive experience with hospice, home health agencies, long term care facilities and compliance with state and federal regulations. Her work at ViaQuest will improve patient outcome, identifying areas that the agency can improve and developing education pertinent to the clinician process, giving patients a good, dignified death. This additional oversight at ViaQuest 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:

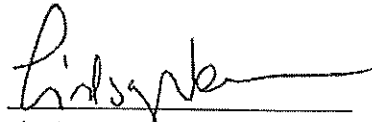


A denial would result in a substantial economic hardship. Ms. Denham has a child with special needs who requires frequent medical appointments and medication changes. The travel that her current position with IDOH requires has become unsustainable due to these challenges. She has frequently needed to take time off work and is in a position where she would have to begin doing so without pay. The position with ViaQuest is largely remote and offers her the flexibility to schedule appointments for her child without losing work hours or pay.

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

12-2-24  
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

12/02/2024  
DATE

D. Approval by State Ethics Commission

**FOR OFFICE USE ONLY**

Approved by State Ethics Commission



Post-Employment Waiver, Amber Denham  
December 2, 2024

**FOR OFFICE USE ONLY**

Approved by State Ethics Commission

  
\_\_\_\_\_  
Katherine Noel, Chair, State Ethics Commission

12-12-24  
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](mailto:info@ig.in.gov)

*Upon receipt you will be contacted*



**ETHICS DISCLOSURE STATEMENT**  
**CONFLICTS OF INTEREST – DECISIONS AND VOTING**  
State Form 65800 (R / 10-16)  
OFFICE OF THE INSPECTOR GENERAL  
IC 4-2-6-9

FILED

DEC 8 2024

INDIANA STATE  
ETHICS COMMISSION

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Denham	Name (first) Amber	Name (middle)
Name of office or agency Indiana Department of Health		Job title Public Health Nurse Surveyor
Address of office (number and street) 2 N Meridian Street		City Indianapolis
		ZIP code 46204
Office telephone number ( 317 ) 473-0325	Office e-mail address (required) adenham@health.in.gov	

Describe the conflict of interest:

Ms. Denham currently serves as a Public Health Nurse Surveyor in the Home and Community-Based Care Division at IDOH. Ms. Denham is assigned to a survey area that included survey activity of ViaQuest Hospice. As a result, she conducted a re-licensure and recertification survey in July of 2024 and revisited Viaquest for a follow-up survey in August 2024. On November 6, 2024 Ms. Denham contacted Ethics Officer, Erin Elam about the possibility of seeking employment at ViaQuest due to a personal family situation and the availability of a position that fit her needs at Viaquest. Ms. Elam instructed her to speak to her supervisors about the matter to gage support for an post-employment waiver and a screening feasibility.

Describe the screen established by your ethics officer: (Attach additional pages as needed.)

After meeting with her direct supervisor and department director a screen was put in place on November 20, 2024.

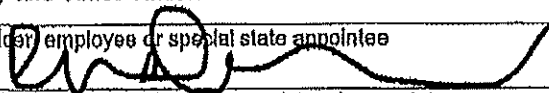
Ms. Denham was screened out of all survey activity involving ViaQuest and instructed not to access IDOH documents or speak with other surveyors regarding ViaQuest. On November 25, 2024 Ms. Denham interviewed with ViaQuest and was offered employment

A Post-Employment Waiver has also been filed and will be heard by the State Ethics Commission on December 12, 2024.

#### AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee



Date signed (month, day, year)

12/03/2024

Printed full name of state officer, employee or special state appointee

Amber Denham

#### FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer



Date signed (month, day, year)

12/03/2024

Printed full name of ethics officer

Erin R. Elam

**From:** Elam, Erin B  
**To:** Weaver, Lindsay  
**Cc:** Kent, Amy (IDOH); Ferguson, Jon  
**Subject:** Ethics Disclosure regarding Conflict of Interest to be filed  
**Date:** Tuesday, December 3, 2024 2:45:00 PM  
**Attachments:** Amber Denham Disclosure.pdf  
image001.png  
image002.png  
image003.png  
image004.png  
image005.png  
image006.png  
image007.png

---

Good afternoon, Dr. Weaver-

There is currently a Post-Employment Waiver for IDOH employee Amber Denham set to be heard by the State Ethics Commission on December 12<sup>th</sup>. Before Amber interviewed with the agency that the Post-Employment Waiver addresses, she contacted me, and a screen was put in place at that time to ensure she had no regulatory contact with that agency during the hiring process. The OIG has suggested that I file a disclosure regarding that screen and as part of the disclosure process, I must notify you that it will be filed. The disclosure in question is attached and will be filed today.

Erin Elam | *Staff Attorney & Ethics Officer*  
Office of Legal Affairs  
office: 317-234-8361 • fax: 317-234-6278  
[eelam@health.in.gov](mailto:eelam@health.in.gov)  
[health.in.gov](http://health.in.gov)



Confidentiality Statement: This message and any attachments may be confidential. If you are not the intended recipient, please 1) notify me immediately; 2) do not forward the message or attachment; 3) do not print the message or attachment; and 4) erase the message and attachment from your system.