

**MINUTES OF THE MEETING OF
THE INDIANA STATE ETHICS COMMISSION
May 14, 2020**

I. Call to Order

A regular meeting of the State Ethics Commission (“Commission”) was called to order at 10:00 a.m. The meeting was held virtually using Microsoft Teams. Commission members present were Katherine Noel, Chairperson; Corinne Finnerty; Sue Anne Gilroy; Kenneth Todd; and Rafael Sanchez. Staff present included Lori Torres, Inspector General; Jennifer Cooper, State Ethics Director; Tiffany Mulligan, Chief Legal Counsel, Office of Inspector General; Darrell Boehmer, Director of Investigations, Office of Inspector General; Luba Gore, Staff Attorney, Office of Inspector General; Cynthia Scruggs, Director of Administration, Office of Inspector General; and Nathan Baker, Legal Assistant, Office of Inspector General.

Others present were: Mattheus Mitchel, Compliance & Ethics Specialist, Department of Revenue; Amber Nicole Ying, Special Counsel/Director and Ethics Officer, Compliance and Ethics, Department of Revenue; Christine MacDonald, Internal Affairs Officer, Department of Child Services; Bill Anthony, Deputy Attorney General, Office of Attorney General; Rachel Russell, Deputy General Counsel/Ethics Officer, Department of Child Services; Claire Szpara, Attorney & Ethics Officer, Indiana Department of Insurance; Andrew Bernlohr, General Counsel and Ethics Officer, Indiana Department of Education; Deana Smith, Ethics Officer, Indiana State Department of Health; Ed Feigenbaum, Indiana Legislative Insight; Mark Hawkins, Legislative Director, Auditor of State; Sarah Parks-Reese, Pre-K Expansion Specialist, Indiana Department of Education; Keith Beesley, Attorney, State Personnel Department, Beth Green, General Counsel, Department of Workforce Development; and Kathleen Mills, Ethics Officer, Indiana Department of Environmental Management.

II. Adoption of Agenda and Approval of Minutes

Commissioner Sanchez moved to adopt the Agenda and Commissioner Finnerty seconded the motion which passed (5-0).

Commissioner Sanchez moved to approve the Minutes of the March 12, 2020 Commission Meeting and Commissioner Todd seconded the motion which passed (4-0). Commissioner Noel abstained from voting due to her absence at the March meeting.

III. Inspector General's Report

Inspector General Lori Torres presented a report on the first quarter of 2020. 66 Informal Advisory Opinions were issued (compared to 103 issued in Q4 of 2019 and 77 in Q1 of 2019). There were 88 requests for investigations (compared to 83 requests in Q4 of 2019 and 87 in Q1 of 2019). Twelve (12) new investigations were opened by OIG (compared to 15 in Q4 of 2019 and 14 in Q1

2019). Six (6) investigations were closed by OIG (compared to 8 in Q4 of 2019 and 15 in Q1 2019). All six closed investigations were published to the OIG website.

Regarding KPI's for Q1:

- KPI #1 - Number of informal advisory opinions ("IAO's) requested: **71**
- KPI #2 - Average number of business days to provide an IAO: **1.21**
- KPI #3 - Number of recommendations made to reduce waste, inefficiency, fraud and improve integrity: **1 recommendation in Q1 in 6 published reports**

The 2020 Auditors & Investigators Conference was tentatively planned to be webcast on Wednesday, June 3, 2020 1:00 – 4:00 p.m. The agenda was being finalized with 3 distinct presentations

IG Torres noted that the OIG 2019 Annual Report would be issued before the next Commission meeting.

Regarding COVID-19, IG Torres reported to the Commission that all OIG staff had been working remotely except as needed in the office to collect the mail, deposit checks or access the evidence room. She went on to outline OIG's reopening plans in accordance with Governor Holcomb's executive order. In addition, the next State Ethics Commission meeting set for June 11, 2020 would be announced once arrangements were made, but that it would likely be broadcast via the Microsoft Teams platform.

IV. Request for Formal Advisory Opinion

2020-FAO-006

Sarah Parks-Reese, Pre-K Expansion Specialist

Andrew Bernlohr, General Counsel & Ethics Officer

Indiana Department of Education

Sarah Parks-Reese serves as a Pre-K Expansion Specialist with the Indiana Department of Education (IDOE). In this role, she helps schools understand the benefits of Pre-K and how to fund it in their building or district. Andrew Bernlohr serves as IDOE's General Counsel and Ethics Officer.

Ms. Parks-Reese is considering running for a position on the school board in her home district of Hamilton Southeastern Schools (HSES) in Hamilton County, Fishers, Indiana. She would be running in the fall 2020 election. The board position receives compensation (per diem) for certain meetings and events. In her role with IDOE, Ms. Parks-Reese has a professional relationship with the Preschool Director for HSES. Ms. Parks-Reese has communicated with the HSES Preschool Director in the past to ask for her feedback on resources she created. The Preschool Director has asked Ms. Parks-Reese and her early learning colleagues to present at a conference HSES co-sponsored with the Indiana Division of Early Childhood.

Ms. Parks-Reese's position at IDOE does not involve awarding grants or overseeing funding offered to school districts. She makes all districts and non-public schools aware of possible funding streams to support preschool programs. On occasion, she assists other specialists with grant approval, specifically the Early Intervention Grant that supports literacy programs in K-3 sites; however, in those grant reviews, IDOE approves all complete applications. For all incomplete applications, IDOE asks the school districts to resubmit them and then IDOE approves the applications. According to Ms. Parks-Reese, it is entirely within the control of the other specialists to decide whether to send a grant from HSES to her for approval and she can specifically request them not to send her HSES grants for review or approval.

Ms. Parks-Reese provides that should she be elected, the school board position would not interfere with her IDOE duties, as the school board position is only part-time. She understands that she would not be permitted to campaign on state government time or to state government employees. In addition, she understands that she must not disclose any confidential information she has by virtue of her IDOE position for the purposes of benefiting HSES or use any such information in any decisions she makes in her position with the school board.

Ms. Parks-Reese has made both her supervisor, IDOE's Chief Academic Officer, and IDOE's Ethics Officer aware of her intent to pursue a school board position. She understands that she should be screened from any matters related to HSES. Mr. Bernlohr, on behalf of IDOE, does not have any specific concerns regarding Ms. Parks-Reese's pursuit of the HSES school board position.

Ms. Parks-Reese is now requesting a formal advisory opinion regarding whether she can pursue the opportunity to run for and serve on the HSES school board while maintaining her position as Pre-K Expansion Specialist for IDOE.

The analysis stated the following:

Ms. Parks-Reese's request for a formal advisory opinion invokes consideration of the provisions of the Code pertaining to Political Activity, Conflicts of Interests, Use of State Property, Ghost Employment and Benefitting from and Divulging Confidential Information. The application of each provision to Ms. Parks-Reese is analyzed below.

A. Political Activity

The political activity rule prohibits Ms. Parks-Reese from engaging in political activity, including solicitation of political contributions from anyone when she is on duty or while acting in an official capacity for the State. This rule also prohibits Ms. Parks-Reese from soliciting political contributions at any time, whether on duty or not, from persons with whom IDOE has a business relationship or from state employees or special state appointees she directly supervises. Additional restrictions apply if Ms. Parks-Reese has purchasing or procurement authority for the State.

Ms. Parks-Reese is permitted to seek political contributions for her own campaign as a candidate from anyone other than her direct reports and those with a business relationship with IDOE when not on duty or acting in her official capacity.

Mr. Bernlohr provided that IDOE has a political activity policy that he has reviewed with Ms. Parks-Reese. She is running and plans to serve on the board in her personal capacity and not as an IDOE employee. Mr. Bernlohr has no concerns with Ms. Parks-Reese's ability to fully comply with the political activity rule and the IDOE policy.

The Commission finds that Ms. Parks-Reese would not violate this rule so long as she refrains from engaging in political activity while on duty or while acting in her official capacity for IDOE and does not solicit political contributions from anyone who has a business relationship with IDOE.

Mr. Bernlohr provided that he can assist Ms. Parks-Reese in ensuring she is not soliciting political contributions from any person who has a business relationship with IDOE, but that she is aware that it is her responsibility to ensure that she is not soliciting contributions from any person with whom IDOE has a business relationship. He further provided that she can run any possible solicitations through IDOE's financial team to confirm the absence of a business relationship with IDOE. The Commission requested, as an added precaution, that Ms. Parks-Reese report her political contributions to IDOE to ensure she is not soliciting contributions from any person who has a business relationship with IDOE.

B. Outside Employment/Professional Activity

An outside employment or professional activity opportunity creates a conflict of interests under IC 4-2-6-5.5(a) if it results in the employee: 1) receiving compensation of substantial value when the responsibilities of the employment are inherently incompatible with the responsibilities of public office or require the employee's recusal from matters so central or critical to the performance of his or her official duties that his or her ability to perform them would be materially impaired; 2) disclosing confidential information that was gained in the course of state employment; or 3) using or attempting to use his or her official position to secure unwarranted privileges or exemptions of substantial value that are not properly available to similarly situated individuals outside state government.

The Commission generally defers to an agency's Ethics Officer regarding outside employment/professional activity opportunities since it views them as being in the best position to determine whether a conflict of interests might exist between an employee's state duties and an outside employment opportunity. Mr. Bernlohr has not identified any concerns that IDOE has with Ms. Parks-Reese running for or holding a position on the HSES school board. Mr. Bernlohr further provided that IDOE has an outside employment policy and Ms. Parks-Reese would be in full compliance with this policy if she holds the HSES school board position.

Based on the information provided, the Commission finds that subsection (1) would not prohibit Ms. Parks-Reese from serving on the HSES school board. Although she would receive some compensation for serving in the position, her IDOE position has no authority over funding offered to school districts. For the grant approvals with which Ms. Parks-Reese occasionally assists, Mr. Bernlohr confirmed that she would be screened from any involvement in any HSES grants. In regards to subsection (2), nothing in the information she provided indicates that serving on the school board would require Ms. Parks-Reese to disclose confidential information; therefore, she would not be violating this subsection by running for or holding a position on the school board. So long as she does not use her official IDOE position to secure unwarranted privileges or exemptions that subsection (3) prohibits, IC 4-2-6-5.5 does not prohibit Ms. Parks-Reese from serving on the HSES board while also working for IDOE.

A written advisory opinion issued by the Commission stating that an individual's outside employment does not violate subsection (a)(1) or (a)(2) is conclusive proof that the individual's outside employment does not violate subsection (a)(1) or (a)(2).

C. Conflict of interests-decisions and votes

IC 4-2-6-9 (a)(1) prohibits Ms. Parks-Reese from participating in any decision or vote, or matter relating to that decision or vote, if she has a financial interest in the outcome of the matter. Similarly, IC 4-2-6-9(a)(3) prohibits Ms. Parks-Reese from participating in any decision or vote, or matter relating to that decision or vote, if a business organization in which she is serving as an officer, a director, a member, a trustee, a partner or an employee has a financial interest in the matter.

The Code defines “financial interest” in IC 4-2-6-1(a)(11) to include “an interest . . . (A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or . . . (B) involving property or services.”

A potential conflict of interests would arise for Ms. Parks-Reese if she participates in any matter related to a decision/vote in which HSES has a financial interest in the outcome. This restriction goes beyond the actual decision/vote and prohibits her participation in any matter related to the decision/vote. The rule also requires a state employee who identifies a potential conflict of interests to notify her agency’s appointing authority and ethics officer in writing and either (1) seek a formal advisory opinion from the Commission; or (2) file a written disclosure statement with the OIG.

Mr. Bernlohr provides that Ms. Parks-Reese does not make discretionary decisions regarding grants and contracts in her position at IDOE and that she does not have any oversight or discretion over funding to school districts. She does occasionally assist other specialists with grant approvals when needed, but this is a rare occurrence. Ms. Parks-Reese estimated she is asked to do this once a quarter.

The Commission finds that Ms. Parks-Reese would have a potential conflict of interests if she participated in decisions related to grants or other matters in which HSES would have a financial interest in the outcome. The Commission further finds that IDOE must have a screen in place to prevent Ms. Parks-Reese from having a conflict of interests.

Mr. Bernlohr provides that IDOE will screen Ms. Parks-Reese from participation in any matters in which HSES would have a financial interest. Mr. Bernlohr further provides that Ms. Parks-Reese's direct supervisors are aware of the situation and they will continue to ensure that she is screened from HSES-related matters while she is running for and if she is elected to and serves on the HSES board. To this end, Ms. Parks-Reese can continue to provide assistance with grants as needed, but she will not participate in this process if HSES would have any financial interest in the grant.

D. Conflict of interests – contracts

Pursuant to IC 4-2-6-10.5, a state employee may not knowingly have a financial interest in a contract made by any state agency. The Code defines "financial interest" to include an interest arising from employment. The Commission has interpreted this rule to apply when a state employee derives compensation from a contract between a state agency and a third party. This prohibition however does not apply to an employee that does not participate in or have contracting responsibility for any of the activities of the contracting agency, provided certain statutory criteria are met.

Ms. Parks-Reese provides that she will be compensated for her services to the HSES board. Mr. Bernlohr provided that he believes the funding would come from HSES' general operating budget and not from any state grants, but he and Ms. Parks-Reese will confirm this is the case. The Commission finds that so long as her compensation for serving on the HSES board will not be derived from any state contracts/grants, Ms. Parks-Reese would not have a financial interest in a state contract and would not be in violation of this rule.

E. Confidential information

Ms. Parks-Reese is prohibited under 42 IAC 1-5-10 and 42 IAC 1-5-11 from benefitting from, permitting any other person to benefit from or divulging information of a confidential nature except as permitted or required by law. Similarly, IC 4-2-6-6 prohibits Ms. Parks-Reese from accepting any compensation from any employment, transaction or investment that is entered into or made as a result of material information of a confidential nature. The term "person" is defined in IC 4-2-6-1(a)(13) to encompass both an individual and a corporation. In addition, the definition of "information of a confidential nature" is set forth in IC 4-2-6-1(a)(12).

To the extent Ms. Parks-Reese is exposed to or has access to such confidential information in her position with IDOE, she would be prohibited from divulging that information or ever using it to benefit any person, including HSES, in any manner.

F. Use of state property and Ghost employment

IC 4-2-6-17 prohibits Ms. Parks-Reese from using state property for any purpose other than for official state business unless the use is expressly permitted by a general written agency, departmental or institutional policy or regulation. Likewise, 42 IAC 1-5-13 prohibits Ms. Parks-Reese from engaging in, or directing others to engage in, work other than the performance of official duties during working hours, except as permitted by general written agency, departmental or institutional policy or regulation.

The Commission confirmed that Ms. Parks-Reese understands that she must take particular care not to use her state computer, state email account or calendar, or state phone for activities related to running for or serving on the HSES board. All such activities must be done using her own resources and on her own time, such as after work or on the weekends. In addition, although most agencies, including IDOE, have policies regarding minimal personal use of state property, these policies strictly prohibit using state property for a political purpose.

To the extent that Ms. Parks-Reese observes these provisions in her outside work with HSES, the Commission finds that such outside employment activity would not violate these ethics laws.

Commissioner Gilroy moved to approve the Commission's findings, and Commissioner Todd seconded the motion which passed (5-0).

V. Director's Report

State Ethics Director, Jen Cooper, stated that since the last Commission meeting, the Office of Inspector General had issued 33 informal advisory opinions on the subjects of post-employment restrictions, conflicts of interests, outside employment, and gifts.

She further expressed her thanks for everyone's patience in using the Microsoft Teams platform for this meeting and for their attendance.

VI. Adjournment

Commissioner Sanchez moved to adjourn the public meeting of the State Ethics Commission and Commissioner Gilroy seconded the motion, which passed (5-0).

The public meeting adjourned at 10:33 a.m.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of Indiana Department of Environmental Management, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Rebecca Eifert Joniskan in her post-employment with Purdue University and the Indiana State Poultry Association.

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.
 - X 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. As IDEM OLQ Permits Branch Chief and Solid Waste Permits Section Chief, Ms. Joniskan participated in discussions and advised others about the rule-making efforts related to the programs she oversaw, however, she did not have final decision making authority over those matters. She did not have substantial decision-making authority over policies or contracts.
2. Please describe the nature of the duties to be performed by the employee for the prospective employer:
 - a. Execute and administer the programs of the Indiana State Poultry Association (ISPA)
 - b. Guide policy affecting all elements of poultry production
 - c. Lead Indiana's National Poultry Improvement Plan (NPIP) and overall poultry disease control programs collaborating with the Indiana State Board of Animal Health (BOAH).
 - d. Educate government and university officials, elected officials, and the public about the poultry industry, its economic impact on Indiana, and the industry's needs for it to continue to flourish
 - e. Secure financial resources and account for the resources required to continue and expand ISPA programs
 - f. Through Cooperative Agreements, collaborate with USDA, Animal Plant Health Inspection Service (APHIS) for surveillance and control of poultry diseases in commercial, small flock and exhibition poultry, waterfowl, and game birds
 - g. Develop educational programs with Purdue's Animal Disease Diagnostic Lab (ADDL), Indiana State Board of Animal Health (BOAH), and other agencies to train producers to become Indiana NPIP Authorized Agents and Authorized Testing Agents
 - h. Promote and educate consumers on the benefits of consuming turkey, egg products, and all of poultry when resources are available
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. The prospective employment will not involve substantial contact with the employee's former agency. There will be occasional contact with the IDEM Agricultural Liaison who regularly attends the open portion of ISPA quarterly board meetings to keep the association apprised of developments at IDEM that may affect the poultry industry. The interactions will not include matters related to permit decisions made by the employee for Purdue University or ISPA members. The Indiana State Board of Animal Health is responsible for animal mortality management in the State of Indiana, and they may request technical advice from IDEM on potential environmental impacts of specific mortality management practices and information

on potential waste treatment and disposal facilities and their capabilities in the event of or in anticipation of a mass mortality incident.

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. Joniskan has broad knowledge of IDEM's OLQ permitting programs and how the criteria they include support protection of human health and the environment. In the ISPA role, she would be able to advise a wide array of people and organizations on the specifics of the regulatory requirements and how complying with them can benefit and protect Indiana's environment. Her knowledge of the regulatory requirements and her ability to communicate in layperson's terms why compliance with the regulatory requirements is important could help decision makers make more informed, scientifically-based decisions. On the subject of management of animal mortalities from disease and non-disease related events, she could help producers and other stakeholders better understand the potential environmental impacts that could result from mis-management of animal mortalities and motivate them to consider environmental impacts when making mortality management decisions.
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:
 - a. If Ms. Joniskan was denied the waiver, she would not be able to accept the position if it were offered. She could not afford to not work for the required 365 day cooling-off period. Also, it is doubtful the ISPA would delay hiring for this position for the 365-day period, so the opportunity for the position would be lost to her. This would represent both a likely lost opportunity for an increase in salary and an important step in her professional development leading to fewer future opportunities.

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.



Bruno L. Pigott

July 6, 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).



Kathleen Mills

July 6, 2020

DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission

Katherine Noel, Chair, State Ethics Commission

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.*



Eric Holcomb, Governor
State of Indiana

Office of General Counsel
402 W. WASHINGTON STREET, ROOM W451, MS27
INDIANAPOLIS, IN 46204-2744

June 24, 2020

Ethics Commission
Office of the Inspector General
315 West Ohio Street, Room 104
Indianapolis, Indiana 46202
Via Email: info@ig.in.gov

RE: Request for Formal Advisory Opinion for Dr. S. Maria E. Finnell

Dear Chairperson Noel and members of the Ethics Commission:

The Indiana Family and Social Services Administration (“FSSA”), on behalf of Dr. S. Maria E. Finnell, requests a Formal Advisory Opinion from the State Ethics Commission addressing whether it would be a conflict of interest for Dr. Finnell to obtain outside employment with Indiana University Health Physicians (“IUHP”) while employed as the Director of Clinical Operations Assistant, Medical Director, and working as part of the FSSA Office of Medicaid Policy and Planning (“OMPP”) Strategy Team.

Dr. Finnell would like to pursue this outside employment opportunity because she does not want to lose her clinical skills as a pediatrician. Additionally, she is interested in the opportunity because she believes it would increase her credibility in her current role within FSSA. She is interested in working in a clinic with pediatricians, nurse practitioners, speech therapists, and physical therapists so that she can get a better understanding of their interactions with Medicaid, which would be helpful to her in her position with FSSA.

IUHP is an Indiana Medicaid Provider that has an Indiana Medicaid Provider Agreement with FSSA and receives Medicaid Reimbursements. It is affiliated with Indiana University Health (“IU Health”), Indiana University and its related entities with whom FSSA’s various divisions have active contracts. The FSSA division directors are the owners of the IU Health contracts. Dr. Finnell is not in a position to negotiate or sign these contracts.



Dr. Finnell joined FSSA August 15, 2019. She is responsible for overseeing the OMPP Medical Director, the Pharmacy Team led by a pharmacy director, and the Coverage & Benefits Team. She is not in a position to make decisions regarding Medicaid providers and any direction she would provide regarding protocols, policies or procedures that might impact external stakeholders would apply to all clinical specialists, hospital administrators, and any other providers uniformly.

Occasionally, Dr. Finnell assists the Program Integrity Team when the medical director is unavailable. The Program Integrity Team is primarily responsible for reviewing suspected cases of fraud and abuse and making recommendations regarding Medicaid providers. Usually, the OMPP Medical Director serves on the Program Integrity Team and participates in the meetings. Furthermore, the reviews conducted by the Program Integrity Team usually concern the actions of an individual and not an entity. Therefore, it is unlikely FSSA would make a decision that would have a unique impact on IUHP, IU Health, or their related entities. If the situation presented itself, FSSA would screen Dr. Finnell from participating in any such decision by having her supervisor delegate full authority to another employee to handle such matters independently.

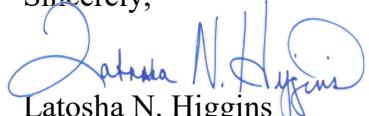
If approved to accept the position, IUHP would pay for Dr. Finnell's medical malpractice insurance and certifications. She would pay her own licensing fees. Furthermore, she would not serve in an administrative leadership role with IUHP. She would serve as supplemental faculty and may occasionally have medical students or residents in the clinic that she would be responsible for overseeing. She would not charge patients nor would she bill insurance. Rather, IUHP would pay her on an hourly basis. Her responsibilities as an employee of IUHP would include, working in the neonatal intensive care unit ("NICU") follow up clinic to assess the discharged children's growth and development and connect them with referrals and resources as indicated.

She would contract with IUHP through the Department of Pediatrics, Division of Neonatology. Dr. Finnell would not be paid by any grant or contract dollars. She would be providing patient care in the NICU follow up clinic, which could potentially include Medicaid patients similar any other neonatologist providing clinical service for IUHP. Her compensation would not be tied to the charges and collections that she generates or the payer mix of the patients she cares for; however, her fees may be paid from general Medicaid funds.

Dr. Finnell understands and agrees that she may not use State time for her outside employment activities. Additionally, she is confident that she will meet the 37.5-hour workweek requirement despite seeing patients a few hours a month.

Based on the information presented, I do not believe that Dr. Finnell's outside employment activities would be incompatible with her duties. Rather, Dr. Finnell's outside employment activities would help maintain and build upon her professional skills such that she may better be able to meet the essential functions of her position as Director of Clinical Operations Assistant and Medical Director.

Sincerely,



Latosha N. Higgins
Managing Attorney and Ethics Officer