



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

FILED

Katherine Noel, Chair
Indiana State Ethics Commission
315 W. Ohio Street, Room 104
Indianapolis, IN 46204

JAN 09 2025

INDIANA STATE
ETHICS COMMISSION

IC 4-2-6-11

Post-employment waiver: Dr. Dan Rusyniak

As Appointing Authority of the Secretary of the Family and Social Services Administration (FSSA), I am filing this waiver of the application of certain post-employment restrictions of the Code of Ethics as they may apply to Dr. Dan Rusyniak, FSSA's Secretary, in his potential post-employment opportunity with Eskenazi Health (Eskenazi).

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 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):*

Initial Comments: At the outset, it is noted that FSSA does not believe that Dr. Rusyniak's duties as FSSA's Secretary involved any "particular matter" with Eskenazi, as his high-level leadership of FSSA did not involve directly regulating Eskenazi. Rather, his leadership of FSSA in part involved the oversight and direction of Medicaid and other programs generally,

with oversight and regulation of FSSA as a whole. However, to the extent that his general oversight of Medicaid and other programs that Eskenazi had any participation or action in, could be considered by the Ethics Commission to be a "particular matter", we submit this waiver and respectfully request approval thereof.

The Governor appointed Dr. Rusyniak as FSSA's Secretary in 2021, and his service will end on January 10, 2025. In that role, Dr. Rusyniak has been responsible for planning, evaluating, and directing activities of FSSA, which includes direction over the Office of Medicaid Policy and Planning (OMPP), the Division of Aging (DA), the Division of Disability and Rehabilitative Services (DDRS), the Office of Early Childhood and Out-of-School Learning (OECOSL), the Division of Family Resources (DFR), the Disability Determination Bureau (DDB), the Division of Mental Health and Addiction (DMHA), and Indiana 211. Dr. Rusyniak provided strategic direction for FSSA and coordinated policies that aligned with the agency's goals, visions, and expectations. While he has decision-making authority over policies, rules, and contracts for FSSA, he does not negotiate or administer contracts. Indeed, the negotiation and administration of contracts is handled by other FSSA employees.

With respect to the above-referenced OMPP, one of its duties includes registration of more than 80,000 Medicaid Providers. To become a Medicaid Provider, an entity must register with Indiana Medicaid by completing a standard enrollment packet, including a signed agreement attesting that they will follow all state and federal requirements to operate as a Medicaid Provider. Notably, however, the Secretary himself does not negotiate or sign these agreements, nor does he have any discretion as to the terms of the agreements or who is permitted to become a Medicaid Provider. These agreements are "accept" or "reject" only, and are non-negotiable on a case-by-case basis.

In addition, Dr. Rusyniak has not signed any contracts with Eskenazi, and any substantive contact he would have had with Eskenazi during his time as the Secretary would have been indirectly through the Indiana Hospital Association (IHA) to all members of that association, which further supports the conclusion that no waiver is required on this front. And, even if contact occurred indirectly, the entity to lead that contact would have been OMPP.

Notwithstanding, because Eskenazi is among the 80,000 Medicaid Providers registered with OMPP, if the Ethics Commission were to consider these agreements to be "contracts" under the Code of Ethics, and if it also believes Dr. Rusyniak's general oversight of the regulatory program – including these agreements – constitutes a particular matter, then we respectfully request a waiver of any such particular matter restriction that may apply here.

We also want to disclose that, along with the provider agreements noted above that all of the Medicaid providers must sign to participate in Medicaid and waiver programs, FSSA has four (4) contracts with Health and Hospital Corporation of Marion County (d/b/a Eskenazi Health) at this time. These contracts relate to:

- SNAP outreach services
- SMI and/SED assistance for those at risk of becoming homeless (grant)
- Clinical services for first episode psychosis
- CCDF voucher program outreach services

Notably, it has been confirmed that Dr. Rusyniak did not negotiate, nor does he administer, any of the above-referenced contracts. However, again due to his role as FSSA's Secretary and oversight of the FSSA divisions that entered into these contracts, to the extent the contracts may constitute a "particular matter," we respectfully request a waiver of any such particular matter restriction that may apply here.

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:

Answer: As the FSSA's Secretary, Dr. Rusyniak has extensive and final decision-making authority over policies, rules, and contracts for the agency. Dr. Rusyniak coordinated with other FSSA and division leadership on these decisions, often delegating the day-to-day, operation-related matters to division leadership and their respective teams. With respect to rules, Dr. Rusyniak reviewed and signed-off on rule changes pursuant to the formal state promulgation process, but was not involved substantively in the enforcement of same. Additionally, much of the decision-making in this area followed processes and policies prescribed by federal law and other legal requirements.

While Dr. Rusyniak's role included authority and oversight of multiple FSSA programs and divisions, his work as FSSA Secretary was broad in scope, involving complex and high-level program elements and determining final action and direction on same. Dr. Rusyniak oversaw the development and implementation of FSSA initiatives and monitoring of same; however, due to the scope of his role, it is noteworthy that Dr. Rusyniak was not involved in nuanced day-to-day coordination or communications with individuals or specific providers, including Eskenazi. Instead, his role involved coordination with groups, such as, for example, the IHA and other provider groups, to receive and share feedback and information. The existence of this process further demonstrates Dr. Rusyniak was not making individual determinations as to providers, but that his involvement was more general in nature (as noted above).

As previously indicated, even though some activity necessarily and appropriately occurred by and between Eskenazi and FSSA during his time as Secretary, Dr. Rusyniak did not negotiate or administer any contracts with Eskenazi, nor did he address directly the terms and/or requirements of any provider agreements (which, as noted, all providers must sign in order to participate in Medicaid).

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

Answer: Dr. Rusyniak has entered into employment negotiations with Eskenazi to serve as its Chief Medical Officer. In that role, Dr. Rusyniak would lead, manage, direct, and be accountable for all medical staff, broadly defined, to ensure the health system's goals are achieved. He would work continuously to improve clinical quality, safety, efficiency and effectiveness of patient care. He would be responsible for the appropriateness of the medical care delivered by physicians and advanced practice providers, and be the liaison between

Eskenazi leadership, the physician practice leadership, and IU School of Medicine leadership. He would also be responsible for modeling and upholding Eskenazi's mission, vision, PRIDE values and standards of behavior. In addition, there is no known executive branch lobbying component to the Chief Medical Officer's role.

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:

Answer: First, we note that Dr. Rusyniak will not engage in executive branch lobbying, including as to FSSA, during the one-year "cooling-off" period he leaves state employment. And after that one-year period expires, any contact that he may have with FSSA would be reasonable, necessary, and in-line with the type of contact any Medicaid Provider/contractor may have with FSSA.

In addition, while, out of an abundance of caution, we checked the box, above, involving regulatory and licensing decisions, we note that Dr. Rusyniak, in his role as FSSA Secretary, did not make any regulatory or licensing decisions directly regarding Eskenazi. Indeed, licensing for Eskenazi is regulated by a different state agency – the Indiana Department of Health. And, Indiana Medicaid is a division of FSSA regulated by the Indiana Code and the Indiana Administrative Code which apply to all Medicaid Providers uniformly through policy, procedure, and bulletin. However, in the interest of full transparency here, to the extent these could be considered regulatory decisions under the Code of Ethics, they are so disclosed.

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:

Answer: Partnering with the Indiana University School of Medicine, Eskenazi serves as the public hospital division of the Health & Hospital Corporation of Marion County. Physicians provide a comprehensive range of primary and specialty care services at the 333-bed hospital and outpatient facilities both on and off Eskenazi's downtown campus including a network of Eskenazi Health Center sites located throughout Indianapolis. Accredited by the Joint Commission and named one of our nation's 150 best places to work by Becker's Hospital Review, Eskenazi's programs have received national recognition while also offering new health care opportunities to the local community. As the sponsoring hospital for Indianapolis Emergency Medical Services (the city's primary EMS provider), Eskenazi is also home to the first adult Level I trauma center in Indiana, the only verified adult burn center in Indiana, and the first community mental health center in Indiana, just to name a few.

As Eskenazi's Chief Medical Officer, Dr. Rusyniak would lead, manage, direct, and be accountable for all medical staff, broadly defined, to ensure the health system's goals are achieved. He would work continuously to improve clinical quality, safety, efficiency, and effectiveness of patient care. He would be responsible for the appropriateness of the medical care delivered by physicians and advanced practice providers, and be the liaison between Eskenazi Health leadership, the physician practice leadership, and IU School of Medicine

leadership. He would also be responsible for modeling and upholding Eskenazi's mission, vision, PRIDE values and standards of behavior.

During both his time as Chief Medical Officer of FSSA and later as FSSA's Secretary, Dr. Rusyniak has maintained work in the clinical field of Emergency Medicine. This clinical work was with Eskenazi, and, for both the CMO and Secretary positions, an Ethics review was performed and completed in order to ensure that there was no conflict.

For you to permit Dr. Rusyniak to serve as Eskenazi's Chief Medical Officer, would allow this data and evidence-driven provider to remain in a role related to healthcare and access thereto, to advise and assist them in continuing to provide and improve their invaluable services to Hoosiers. We also note that, in his new role, Dr. Rusyniak's focus would be primarily on low-income populations in the state's largest county (Marion), which is a population that regularly overlaps with the Medicaid population. Having Dr. Rusyniak, a nationally well-respected health care leader, with all his experience and background, continue to support and assist low-income Hoosiers in receiving appropriate healthcare, would be of enormous benefit to our state.

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

Answer: If this waiver were to be denied, Dr. Rusyniak will suffer economic hardship as the reach and impact of FSSA is so widespread. Dr. Rusyniak has continued to work clinical hours outside of his state employment, but these hours have been limited due to the work that is necessary for FSSA to implement and monitor the number of projects that it oversees. Furthermore, denying this waiver would likely impact his clinical work or create a need for another additional job to supplement same, while at the same time denying him the opportunity to utilize his remarkable leadership and skills to enhance Eskenazi's services and performance. The transition to the Chief Medical Officer role is an organic outgrowth of Dr. Rusyniak's experience and ongoing work over the years. Additionally, if denied a waiver under these circumstances, Dr. Rusyniak would appear unlikely to be able to be employed with any group that FSSA has contracted with or that is a Medicaid Provider, again leading to a potential loss in opportunities to remain in our state.

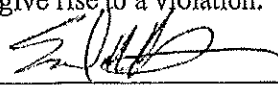
Because Medicaid intersects with nearly every healthcare provider or organization in Indiana, Dr. Rusyniak, if denied this waiver, could be required to wait 365 days from his last day of employment with the state and forego a salary and position with employers that would allow him to use his remarkable background, skills, and experience to continue serving Hoosiers. To provide for his family, Dr. Rusyniak may have little choice but to take a position outside of medicine altogether, or, alternatively, leave the state in order to continue his work in health care and/or the development of his career. We believe the above-referenced reasons weigh in favor of granting a waiver here.

[Remainder of Page Intentionally Left Blank.]

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.



Earl A. Goode, Appointing Authority

1/3/25

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).

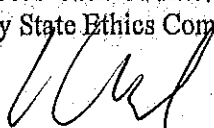


Joseph R. Heerens, Ethics Officer

1/3/25

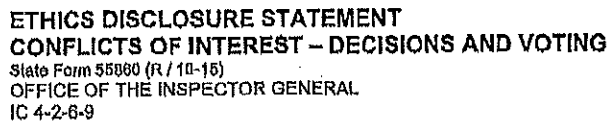
DATE

D. Approval by State Ethics Commission:

FOR OFFICE USE ONLY.	
Approved by State Ethics Commission	
 _____ Katherine Noel, Chair, State Ethics Commission	<u>1-9-25</u> _____ Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to:
info@lg.in.gov

*Upon receipt you will be contacted
with details regarding the*



DEC 16 2024

INDIANA STATE
ETHNOCOMMISSION

Name (<i>last</i>) Rusyniak	Name (<i>first</i>) Dan	Name (<i>middle</i>) E	
Name of office or agency Indiana Family & Social Services Administration		Job title Secretary	
Address of office (<i>number and street</i>) 402 West Washington Street, W461		City Indianapolis	ZIP code 46204
Office telephone number (317) 233-7447	Office e-mail address (<i>required</i>) daniel.rusyniak@fssa.IN.gov		

Describe the conflict of interest:
Dr. Dan Rusyniak is Secretary of Indiana's Family & Social Services Administration. Dr. Rusyniak has entered into employment negotiations with Eskenazi Health to serve as its Chief Medical Officer. Eskenazi Health is a contractor with FSSA and is also a Medicaid Provider required to submit a Medicaid Provider Agreement. Although Dr. Rusyniak has not personally negotiated or administered any of these contracts or agreements, those that have report to Dr. Rusyniak. Out of an abundance of caution, Dr. Rusyniak submits this Ethics Disclosure Statement regarding the appearance of a conflict of interest regarding Eskenazi Hospital.

When Dr. Rusyniak began work for FSSA as its Chief Medical Officer, he was employed as a Physician with Eskenazi Health. At that time, he sought a formal advisory opinion from the State Ethics Commission permitting him to continue to work for Eskenazi Health. See 2018 FAO-0017. When Dr. Rusyniak was promoted to Secretary of FSSA, he again sought a formal advisory opinion from the State Ethics Commission permitting him to continue to work for Eskenazi Health. See 2021-FAO-007

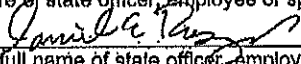
Describe the screen established by your ethics officer: *(Attach additional pages as needed.)*

Dr. Rusyniak shall not participate in decisions or votes, or any matters related to any such decision or vote in which Eskenazi Health has a financial interest. This restriction applies in perpetuity for the life of the matter or until negotiations terminate. Pursuant to his duty under IC 5-14-3-10, Dr. Rusyniak shall not disclose or otherwise rely upon information classified as confidential under IC 5-14-3-4. This restriction applies in perpetuity, so long as the subject information is deemed confidential.

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)

12/13/2024

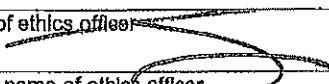
Printed full name of state officer, employee or special state appointee

Daniel E. Rusyniak

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)

12/16/2024

Printed full name of ethics officer

MATTHEW A. BARBER

From: [Gerber, Matthew](#)
To: [Perrodin, Regan \(IG\)](#)
Cc: [IG Info](#); [FSSA Ethics](#); [Rusyniak, Daniel E \(Dan\)](#); [Jankowski, Jane](#); [Heerens, Joe](#)
Subject: Notice of Conflict - Decisions & Voting
Date: Monday, December 16, 2024 2:57:35 PM
Attachments: [Notice of Conflict - Decisions & Votes - Rusyniak 12162024 Executed.pdf](#)

Regan-

Attached please find FSSA's Ethics Disclosure Statement - Conflicts of Interest - Decisions & Voting filed on behalf of Dr. Dan Rusyniak, Secretary of Indiana's FSSA.

Please note that representatives of the Office of the Governor have been included on this email for notice purposes.

Thanks
MG

Matthew A. Gerber
Deputy General Counsel and Ethics Officer
Office of General Counsel, Indiana Family & Social Services Administration
402 W. Washington St., Room W451 ▪ MS27 ▪ Indianapolis, IN 46204
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STATE OF INDIANA
OFFICE OF THE GOVERNOR
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Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 3, 2025

Indiana State Ethics Commission
c/o Office of Inspector General
315 W. Ohio Street, Room 104
Indianapolis, Indiana 46204

Re: Designation Letter; Waiver Request for Dr. Dan Rusyniak

To Whom It May Concern:

I am the Chief of Staff for Governor Eric J. Holcomb, and, accordingly, the appointing authority for the Family and Social Services Administration Secretary Dr. Dan Rusyniak. Enclosed herewith, I am submitting a post-employment waiver for Secretary Rusyniak.

While I will be unable to attend the Ethics Commission's meeting on January 9, 2025, I hereby designate Joseph R. Heerens, General Counsel & Ethics Officer for the Governor, to file and present the enclosed waiver on my behalf. Accordingly, you should direct any questions concerning this filing to Mr. Heerens. Further, I also hereby designate Matthew Gerber, Deputy General Counsel & Ethics Officer for the Family and Social Services Administration, to assist in presenting the enclosed waiver.

Sincerely,

A handwritten signature in dark ink, appearing to read "Earl A. Goode".

Earl A. Goode
Chief of Staff