

INDIANA
STATE ETHICS COMMISSION

MAR 13 2017

FILED



ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING
 State Form 55880 (R / 10-16)
 OFFICE OF THE INSPECTOR GENERAL
 IC 4-2-6-9

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) Rhoades	Name (first) Kimberley	Name (middle) Kelley
Name of office or agency Indiana St Dept of Health		Job title Director, ISDH Long Term Care Division
Address of office (number and street) 2 N. Meridian St		City Indianapolis
		ZIP code 46204
Office telephone number (317) 233-7289	Office e-mail address (required) krhoades@isdh.in.gov	

Describe the conflict of interest:
 I have been employed with the Indiana State Department of Health for 18 years. For the last 14 years, I have worked in the Division of Long Term Care; I am currently the director of that division. This division has regulatory oversight of nursing homes and residential care facilities, including licensing, surveys, and certification for participation in Medicare or Medicaid programs. I have no duties involved with negotiating contracts, only personnel management (hiring, discipline, etc.); providing guidance on survey issues; attending collaborative meetings with FSSA, CMS, and other agencies; attending meetings with providers individually as well as collectively with their trade associations; responding to media and legislative inquiries; signing various licensure and enforcement letters and making recommendations to the Assistant Commissioner on rule waivers and state enforcement actions.

My conflict of interest involves conversations for future employment, which are considered negotiations for employment and may be perceived as a conflict of interest or a financial interest under the Indiana ethics code.

I have had conversations with the law firm Taft Stettinius & Hollister LLP. This firm does represent long term care facilities and interests, including change of ownership amongst facilities.

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

Staff have been instructed to not discuss with me any issues concerning matters on which Taft law represents a facility.

Any issue with a survey finding, survey schedule, enforcement action, licensure matter, immediate jeopardy determination, change of ownership, plan review/rule waiver, or policy decision that involves any of these 20 facilities that is not clearly dictated by written policy, state rule, state statute, federal regulation, federal guidance letter or the CMS State Operations Manual will be discussed with my boss, the Assistant Commissioner, Terry Whitson. Any letters or written communication related to the categories described in the previous sentence and involving any of the facilities in which Taft law is providing representation will be submitted to Mr. Whitson for review, approval, and / or signature. This screen shall be in place until my resignation from the ISDH, which will be March 31, 2017.

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)

Kimberley Kelley Rhoades
Printed full name of state officer, employee or special state appointee
Kimberley Kelley Rhoades

3/13/17

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)

Printed full name of ethics officer

Rachel D. Russell
Rachel D. Russell

3/13/17

Russell, Rachel (ISDH)

From: Russell, Rachel (ISDH)
Sent: Monday, March 13, 2017 11:15 AM
To: Adams, Jerome
Cc: Rhoades, Kim; Sautbine, Hilari A; Whitson, Terry; Miller, Eric A
Subject: ethics disclosure statement - conflicts of interest
Attachments: 20170313110923998.pdf

Importance: High

Good morning, Dr. Adams.

I will file the attached Ethics Disclosure Statement form today with the Inspector General's Office. I will also file this email along with the Ethics Disclosure Statement, which is required (see top of attached form).

If you have any questions, please let me know.

Thank you,
Rachel

From: Rhoades, Kim
Sent: Thursday, March 09, 2017 11:33 AM
To: Russell, Rachel (ISDH) <RRussell@isdh.IN.gov>; Whitson, Terry <Twhitson@isdh.IN.gov>
Cc: Sautbine, Hilari A <HSautbine@isdh.IN.gov>
Subject: RE: ethics disclosure statement - conflicts of interest

I am not sure how I know what cases attorneys are involved in and which are not. Here is what I do know:

1. I had a meeting, as I described to you and Bart last Friday, with three attorneys at Taft to discuss a possible business arrangement including their interest in expanding more into healthcare in Ohio. I did not believe it was a job interview. It was back in January and there have been not offers or negotiations since then. I am not aware of any entities Taft represents other than John Sharpe on the Briarcliff issue. I do not know of the names of others in that firm who may represent LTC clients. I am informally aware that John Sharpe represents Davless County Hospital in general which owns some LTC facilities and is in the process, I think, of acquiring GLC facilities currently owned by Hendricks County. I saw the email today from an accounting firm stating that the CHOWs are getting ready to be filed. If Terry wants me to conflict out of those CHOWs, I can do that.
2. I am planning to have a conversation with Janet McSharar this week or next. I am not sure how to characterize it, but it will not be a job interview. I have no idea who Janet or her firm represents. I have not had a conversation with Janet in several years. I occasionally get settlement memos from OLA indicating she has submitted a letter with some story on how her client shouldn't pay a fine.
3. I have been told by third parties that Mike Grubbs wants to talk to me, but I have had no conversations with him or that firm and do not intend to.

How shall I proceed?

From: Russell, Rachel (ISDH)
Sent: Thursday, March 09, 2017 11:00 AM
To: Rhoades, Kim <Krhoades@isdh.IN.gov>; Whitson, Terry <Twhitson@isdh.IN.gov>
Cc: Sautbine, Hilari A <HSautbine@isdh.IN.gov>
Subject: RE: ethics disclosure statement - conflicts of interest

Hi Kim.

I'm revisiting this issue since the Taft case from Monday was handled by Bart earlier this week. My understanding is that issue was handled between the attorneys and the ALJ and witnesses were not called. If there are any pending matters in Long Term care that involve Taft as counsel, you and Terry will need to create a screen so that you are not involved in these matters in any way. Also, if you are seeking employment at any other firm that may have pending matters similar to those such as Taft handles (that involve LTC), then you will need to screen yourself from those matters, as well.

This screen would need to be in place until your last day here at the ISDH.

If you have questions about the ethics disclosure form/conflict process, please let me know.

Thanks,

Rachel

RACHEL D. RUSSELL, JD

Deputy Director

Agency Ethics Officer

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