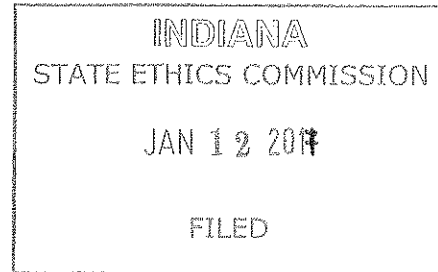


Professional Licensing Agency
402 West Washington Street
Room W072
Indianapolis, IN 46204



Michael R. Pence
Governor of Indiana
Deborah J. Frye
PLA Executive Director



IC 4-2-6-11
Post-employment waiver

As the Appointing Authority of Indiana Professional Licensing Agency (PLA), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Michael Brady in his post-employment with the Indiana State Medical Association (ISMA).

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:

As the Director of INSPECT, Indiana's prescription drug monitoring program, it is Mr. Brady's duty to manage the daily functions, initiatives, and internal and external relationships of the program. In carrying out his job duties, Mr. Brady worked within the parameters of IC 35-48-7 to administer the INSPECT program. Mr. Brady does not have any decision-making authority over rules as this responsibility falls under the Board of Pharmacy (IC 35-48-7-12.1). While he assists PLA leadership in an advisory capacity when considering contracts related to the INSPECT program, he is not a signatory, nor does he have any final discretionary authority over a contract.

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

In Mr. Brady's prospective role with the ISMA, he will continue to serve the public interest by working in the Government Relations Department to address issues that impact the practice of medicine throughout Indiana. In doing so, Mr. Brady will represent ISMA member-physicians by collaborating with various entities, including members of the Indiana General Assembly, to responsibly promote the ISMA's strategy to improve public health outcomes.

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:

Traditionally, the ISMA and the PLA both have substantial interaction with one another. Predecessors in this prospective position have regularly attended PLA board meetings where issues concerning the practice of medicine are often identified and addressed. Since the PLA oversees the Medical Licensing Board, the ISMA's insight on various issues is often warranted. It is also important to note that the INSPECT program's largest user group is physicians. The INSPECT program has been recognized by healthcare practitioners as an invaluable prescribing tool in combatting the opioid epidemic. Understanding this relationship, Mr. Brady is mindful of decisions made in the prospective role and will take appropriate steps to ensure all ethical guidelines are followed and respected.

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:

"The ISMA is a federation of county and district medical societies all across Indiana. With more than 8,200 members, the ISMA continues its dedication to a mission of helping the state's physicians provide the best possible healthcare for their patients." -ISMA Website (www.ismanet.org)

As previously mentioned, Mr. Brady's employment with the ISMA would serve the public interest as the ISMA often advises entities that legislate and regulate various healthcare related matters. There have been various scenarios where the ISMA has been summoned by a governmental body to convey the message and speak on behalf of Hoosier physicians regarding healthcare issues. Mr. Brady has demonstrated his

ability to use his knowledge and understanding of the various healthcare challenges that the State of Indiana is facing.

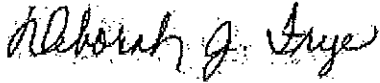
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

While Mr. Brady would receive a \$5,000 annual salary increase in this prospective position, the actual value that would be lost if he were denied the ability to work for the ISMA is difficult to quantify, but it could be reasonably inferred that the amount would be substantial. The individual who is vacating this position at the ISMA has been in this role for over eight years, during which he has positively impacted the practice of medicine throughout the state. Throughout his time at the ISMA, his stature as a trusted and prominent voice in Indiana healthcare has been solidified. The availability of such a position is considerably rare and working for the ISMA in this capacity would allow Mr. Brady to advance his career in ways that his current position at the PLA may not provide.

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.



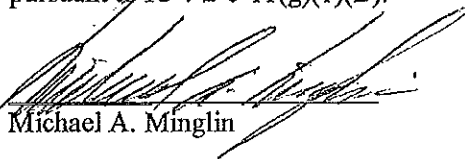
12/28/2016

Deborah J. Frye

DATE

2. Ethics Officer of agency

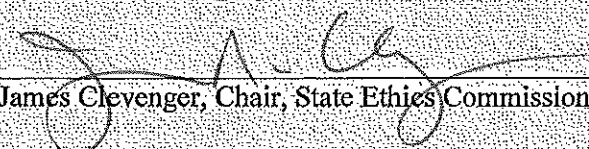
By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).


Michael A. Minglin

12/28/16

DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
 _____ James Clevenger, Chair, State Ethics Commission	1/12/17 _____ Date