



**Indiana
Department
of
Health**



Eric J. Holcomb
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

FILED

APR 11 2024

INDIANA STATE
ETHICS COMMISSION

April 1, 2024

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

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 Shane Hatchett in his post-employment with the Marion County Public Health Department.

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.

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- 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 Deputy Health Commissioner and Chief of Staff, Shane Hatchett signed on average 1,000 contracts, grants, and amendments each year based on recommendations of program managers and key staff. He rarely was the sole administrator for them and his primary function was to ensure proper procedures were followed (procurement policies/laws, financial appropriateness, etc.). Marion County Public Health Department was among those agreements he signed as one of 95 local health departments in Indiana that receives funding from IDOH. MCPHD functions as municipal corporation with jurisdiction in Marion County, separate and not directly governed or regulated by IDOH. MCPHD receives funding primarily from local tax levies. It also receives funding from Indiana Department of Health through various state and federal funds, none of which were directed or overseen by Mr. Hatchett. No regulatory or policy actions in which Mr. Hatchett was involved during his time at IDOH are implicated in this engagement with MCPHD.
 2. Please describe the nature of the duties to be performed by the employee for the prospective employer:
Mr. Hatchett will assist the Marion County Public Health Department as a part-time contractor. His scope will include project management services, communication advising, stakeholder engagement, strategic planning consultation, and accreditation consulting. No IDOH-specific matters, regulatory items, or policies are in scope of his work with MCPHD and no IDOH grants will be used to fund his contract.



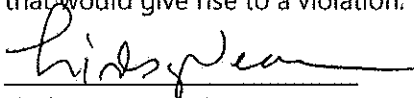
3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:
Mr. Hatchett does not intend to interact with the Indiana Department of Health in this capacity. He understands that such contact on behalf of MCPHD could potentially be a violation. MCPHD leadership is also aware of this restriction and it will not hinder Mr. Hatchett's scope of work.
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:
Mr. Hatchett has specific knowledge about public health, Medicaid, and public administration from his education and training that could benefit MCPHD and their efforts to achieve accreditation, implement process improvement across the department, and design programs that build on cross-sectoral partnerships. Moreover, restricting Mr. Hatchett's ability to consult with MCPHD would deprive a governmental entity of a knowledgeable local resource that otherwise would be procured through national accreditation providers or more costly companies for similar types of work.
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:
Mr. Hatchett would potentially lose opportunities to consult with local health departments in the state and provide them with relevant expertise to assist them with their accreditation and quality improvement processes.



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

03/28/2024

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

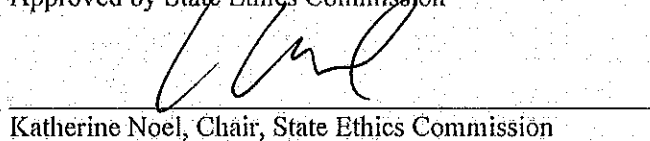
04/01/2024

DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission



Katherine Noel, Chair, State Ethics Commission

4-11-24
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

Upon receipt you will be contacted