



INVESTIGATIVE REPORT

David Cook, Inspector General

OFFICE: INDIANA DEPARTMENT OF HEALTH (IDOH)
TITLE: IDOH EMPLOYEE ETHICS VIOLATION
CASE ID: 2023-08-0276
DATE: March 20, 2024

Indiana Office of Inspector General Staff Attorney Hope Blankenberger, after an investigation by Special Agent Michael Lepper, reports as follows:

The Indiana General Assembly charged the Indiana Office of Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in the executive branch agencies of state government. Ind. Code § 4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics (Code) violations within Indiana state government. Ind. Code § 4-2-7-3. The OIG may recommend policies and carry out other activities designed to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. Ind. Code § 4-2-7-3(2).

I. Complaint and Background

On August 9, 2023, the OIG received a complaint alleging that Loretta Lewis, a former Indiana Department of Health (IDOH) employee, was employed by the BellTower Health and Rehabilitation Center (BellTower) in violation of the Code's Post Employment Rule. More specifically, the complaint alleged that as an IDOH Public Health Nurse Surveyor, Lewis had made regulatory decisions that directly applied to BellTower, and she went to work for BellTower before the expiration of three hundred and sixty-five (365) days from leaving state employment.

IDOH discovered the potential violation when staff members received the “Administrator or Director of Nursing Change” form (State Form 55444) produced by BellTower on July 24, 2023, as is standard practice whenever such a change occurs. Lewis’s name appeared as the Director of Nursing at BellTower on the “Administrator or Director of Nursing Change” form. Additionally, the IDOH survey team went to BellTower to conduct a survey on August 7, 2023, and the survey team discovered that Lewis was the Director of Nursing at BellTower. As a result, IDOH staff members went through their records and checked to see who was listed as the Director of Nursing at BellTower.

II. The OIG Investigation

Special Agent Michael Lepper investigated the complaint. During the investigation, Special Agent Lepper reviewed Lewis’s training and personnel records from IDOH. He also conducted interviews with Lewis’s former direct supervisor, IDOH’s Long Term Care Division Assistant Director, IDOH’s Long Term Care Division Area 2 Supervisor, IDOH’s Ethics Officer, Administrator of BellTower, Indiana State Personnel Department (SPD) Representative for IDOH, several former IDOH co-workers of Lewis and Lewis.

Lewis’s employment at IDOH as a Public Health Nurse Surveyor was a regulatory or licensing position. As a Public Health Nurse Surveyor, Lewis conducted surveys, which include making regulatory or licensing decisions. For example, IDOH conducts surveys when investigating complaints of state and federal violations or for re-certification and state licensure of long-term care facilities. In her capacity as a Public Health Nurse Surveyor, she conducted two surveys at BellTower. According to two survey reports, Lewis conducted surveys at BellTower starting on August 11, 2022, and on March 21, 2023.

On June 5, 2023, Lewis submitted an application for a Director of Nursing position with BellTower. On or around June 7, 2023, she participated in a telephone interview with the Administrator of BellTower for the position. On June 15, 2023, BellTower offered Lewis the position. On June 23, 2023, Lewis accepted the Director of Nursing position with BellTower. On July 7, 2023, Lewis voluntarily terminated her state employment with IDOH. She began working at BellTower on July 17, 2023, and was appointed Director of Nursing on July 24, 2023. The statutory cooling off period of three hundred and sixty-five (365) days, which began when she left state employment on July 7, 2023, had not yet expired.

Special Agent Lepper emailed an SPD Representative for IDOH, who confirmed that Lewis had been trained on possible post-employment issues by providing Lewis's training records. The records certified that Lewis completed ethics training during on-boarding on June 8, 2022, and bi-annual ethics training on December 8, 2022.

Special Agent Lepper interviewed Lewis about the allegations contained in the complaint. Lewis confirmed that she worked for IDOH from May of 2022 to July of 2023. She said the job was a regulatory position. She stated her job was to conduct surveys of long term health care facilities to determine if they were compliant with legal guidelines. She also investigated complaints filed against the facilities. Lewis admitted to conducting a survey at BellTower in August of 2022. Lewis said her last inspection (annual survey) was in August of 2022. The exact days were August 11, 2022, to August 18, 2022, according to the Statement of Deficiencies and Plan of Correction OMB NO. 0938-039. Lewis thought she had met the 365-day cooling off period in the Code's Post Employment Rule. Lewis said she did not remember doing the inspection in March of 2023, just four months before she left but admitted that her number identifier on the team list was on the survey report and reported working twenty-one hours on the inspection over a few

days in March. The exact dates were March 21, 2023, to March 23, 2023, according to the Statement of Deficiencies and Plan of Correction OMB NO. 0938-0391.

According to the OIG and State Ethics Commission (Commission) records, Lewis did not seek an Informal Advisory Opinion from the OIG or Formal Advisory Opinion from the Commission. She also did not seek a waiver from IDOH. Lewis did not inform IDOH of her plan to go to work for BellTower.

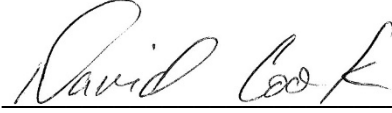
III. Conclusion

The OIG's investigation revealed evidence that Lewis violated the Post Employment Rule's Cooling Off period provision found in Ind. Code § 4-2-6-11(b)(3). The investigation revealed that as an IDOH Public Health Nurse Surveyor, Lewis made regulatory decisions that directly applied to BellTower and that she went to work for BellTower less than three hundred and sixty-five (365) days from leaving state employment.

On January 11, 2024, the OIG sought probable cause from the Commission that Lewis violated Ind. Code § 4-2-6-11 (b)(3), the Post Employment Rule's Cooling Off provision. The Commission found probable cause for an ethics complaint, and the OIG filed an ethics complaint with the Commission on January 19, 2024. Subsequently, Lewis and the OIG entered into an Agreed Settlement in which Lewis admitted to the violation of the Post Employment Rule's Cooling Off provision and agreed to pay a ten thousand dollar (\$10,000) fine within five (5) months from the date of the Commission's approval of the Agreed Settlement. The OIG presented the Agreed Settlement to the Commission on March 14, 2024, and the Commission approved the Agreed Settlement. Accordingly, this investigation is closed.

Dated: March 20, 2024

APPROVED BY:

A handwritten signature in cursive script that reads "David Cook". The signature is written in black ink and is positioned above a horizontal line.

David Cook, Inspector General