

## Office of the Healthcare Advocate Ethics Statement

**1. Purpose.** The purpose of this statement is to ensure that all employees of the Office of the Healthcare Advocate (“OHA”) are aware of the Code of Ethics for Public Officials and State Employees, (“Code of Ethics”) Connecticut General Statutes § 1-79 *et seq.*; to ensure that official actions of OHA employees are independent and free from influence; to prevent OHA employees from using their position or influence for personal financial benefit; and to encourage public trust in the integrity of the Office of the Healthcare Advocate. OHA and all other state agencies and departments are required pursuant to General Statutes § 1-83(a)(2) to develop and implement an agency ethics statement as it relates to the mission of the agency.

**2. Who must comply.** All OHA employees must comply with the Code of Ethics and this Ethics Statement. In addition, there are certain rules for former state employees and contractors hired by OHA. Additional guidelines for adhering to the Code of Ethics may be found on the Office of State Ethics website at: <https://portal.ct.gov/-/media/Ethics/Guides/2020/Public-Officials-and-State-Employees-Guide-Rev-January-2020.pdf?la=en>

**3. Outside employment.** OHA employees may not accept outside employment that will impair independence of judgment as to the employee’s official duties or which would require or induce the employee to disclose confidential information acquired by the employee in the course of the employee’s state service. Generally, outside employment is barred if the private employer can benefit from the employee’s official actions. For example, if the employee has regulatory authority or contractual authority or other oversight authority over the private employer, such outside employment would be barred. A state employee is not prohibited, however, from using his or her expertise for private gain, as long as no provision of the Ethics Code is violated in the process.

**4. Use of Public Position or Confidential Information.** OHA employees may not use their public position or any confidential information acquired in the course of their state service for the financial benefit of the employee, his or her family (spouse, children, child’s spouse, parent or sibling), or an “associated business” (any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity). “Officer” refers only to the president, executive or senior vice president or treasurer of such business. “Confidential information”

is any information not generally available to the public, and includes information in any form (written, photographic, recorded, computerized, verbal conversations, etc.).

**5. Representation before state agencies.** No OHA employee may represent another for compensation or be a member or employee of a partnership, association, professional corporation or sole proprietorship which agrees to accept any employment, fee or other thing of value for appearing, agreeing to appear, or taking any action on behalf of another person before any of the following agencies, boards and commissions: Banking Department, Claims Commissioner, Health Systems Planning Unit of the Office of Health Strategy, Insurance Department, Department of Consumer Protection, Department of Motor Vehicles, State Insurance and Risk Management Board, Department of Energy and Environmental Protection, Public Utilities Regulatory Authority, Connecticut Siting Council or Connecticut Real Estate Commission. Nothing shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council.

**6. Solicitation or acceptance of anything of value.** No OHA employee may solicit or accept anything of value, including but not limited to, a gift, loan, reward or promise of future employment based on any understanding that the employee's official action will be influenced thereby.

**7. Contracts with state.** No OHA employee may enter into a contract with the state valued at \$100 or more unless the contract has been awarded through an open and public process. This ban extends to immediate family and associated businesses of the OHA employee. Contracts of employment as a state employee and contracts made by court appointment are exempt from the provision. Also exempt are contracts entered into by executive branch officials who receive no compensation other than per-diem, expenses or both, unless the official has authority or control over the subject matter of the contract. Additionally, neither the Healthcare Advocate, any member of the Healthcare Advocate's immediate family nor any associated business may enter into a contract with OHA.

**8. Gifts from lobbyists or other regulated donors.** No OHA employee or member of the employee's immediate family may accept any gifts from one known to be a registered lobbyist or a lobbyist's representative. The definition of gift includes anything of value, subject to the exclusions listed in General Statutes § 1-79(5)(A)-(S) – e.g., gifts from spouses, fiancés, parents, siblings, children; food and drink totaling less than \$50 per person in a calendar year, if consumed on occasions at which the individual furnishing the food or drink is in attendance; items costing less than \$10, not to exceed a total of \$50 per calendar year.)

**9. Gifts from businesses regulated by department.** No OHA employee may accept any gift from any person doing business with, seeking to do business with, or directly regulated by the Office of the Healthcare Advocate. (The same exceptions to the definition of gift under General Statutes § 1-79(5) apply).

**10. Gifts between employees.** Neither the Code of Ethics nor this Ethics Statement of OHA policy prohibit gifts given between OHA employees. However, there is a \$99.99 limit on the value of gifts that may be exchanged between supervisors and subordinates.

**11. Fee or honorarium.** No OHA employee may accept any fee or honorarium given in return for a speech or appearance made or article written in the employee's official capacity. Acceptance of the individual's necessary expenses is, however, permissible. Necessary expenses are limited to necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees. If lodging and/or out-of-state travel is included, the employee must disclose that reimbursement to the Office of State Ethics within 30 days. If a report is not filed, either intentionally or due to gross negligence, the employee must return the payment or reimbursement. Such disclosure is not required if the reimbursement is provided by the federal government or another state government. Forms for disclosure of necessary expense payments may be found on the Office of State Ethics website at: <https://portal.ct.gov/Ethics/Forms/Forms>.

**12. Gifts to the State.** Gifts to the State include goods or services that are used on state property, or in support of an event or an OHA employee's participation in an event, and that facilitates state action or functions. Gifts to the State may be accepted only from non-regulated donors (i.e., lobbyists).

**13. Difference between necessary expense payments and gifts to the state.** There are significant differences in compliance requirements for accepting necessary expense payments, discussed in paragraph 11, and accepting gifts to the state, discussed in paragraph 12. The rules regarding fees, honorariums, and necessary expense payments apply when the individual actually participates in the event as a speaker, panelist or faculty member. The rules regarding gifts to the state apply when the individual merely attends the event.

**14. Interference with or solicitation of lobbying contracts.** No OHA employee may interfere with, influence or solicit lobbying contracts, agreements or relationships for or on behalf of any person.

**15. Substantial conflict of interest.** If faced with taking an official action that an OHA employee believes or expects will directly affect the employee's financial interests, or the financial interests of a spouse, dependent child or associated business, which interest is distinct from that of others in the same profession, occupation or group (for example, taking official action on the awarding of a contract to a private business the official or employee owns), then the OHA employee has a substantial conflict of interest and may not take official action on the matter.

**16. Potential conflict of interest.** If an OHA employee is faced with taking an official action that would affect the employee's financial interest, or the interest of his or her family (spouse, children, child's spouse, parent or sibling) or an associated business, then the employee has a potential conflict of interest, unless the interest is: *de minimis* (too speculative to predict or less than \$100 per year); not distinct from that of a substantial segment of the general public; or in substantial conflict with the employee's official duties (under Paragraph 14). If an OHA employee is faced with a potential conflict of interest, the OHA employee must either excuse himself or herself from the matter or prepare a written statement, under penalty of false statement, which describes the potential conflict and explains why the employee is able to proceed objectively and in the public interest.

The employee must deliver the statement to his or her supervisor, who shall assign the matter to another individual not subordinate to the employee with the conflict. If an OHA employee has questions about whether a substantial or potential conflict of interest exists, he or she should contact the Office of State Ethics for guidance.

**17. Additional conflicts of interest.** No OHA employee may have a direct involvement in the licensing, certification or accreditation of a managed care organization; have a direct ownership or investment interest in a managed care organization; be employed by or participate in the management of a managed care organization; or receive direct or indirect remuneration or compensation from a managed care organization.

**18. Financial disclosure.** Each OHA employee designated by the Healthcare Advocate, pursuant to guidance issued by the Office of the Governor, must file annually with the Office of State Ethics by May 1st a statement of financial interests held during the previous year.

**19. Enforcement procedures and penalties.** Enforcement of the Ethics Code is initiated by a complaint, filed by the Office of State Ethics or a member of the public. (In most instances, a complaint initiated by the Office of State Ethics is preceded by a confidential staff evaluation). A two-step process follows: (1) A confidential investigation and probable cause hearing; and (2) if probable cause is found, a public hearing to determine if the Ethics Code has been violated. (At any stage of the process, the Office of State Ethics and respondent may negotiate a settlement.) After a finding or admission of a violation, the Office may order the respondent cease and desist from the conduct causing the violation, file any required report or statement, and pay a civil penalty of not more than \$10,000 per violation. Alternatively, for failure to file a report, statement or other information required by the Ethics Code, the Office of State Ethics can, after a single hearing, impose a civil penalty of \$10 per day; the aggregate penalty for any continuing violation not to exceed \$10,000. The Office of State Ethics may refer the matter to the Chief State's Attorney for further action. An intentional violation of the Ethics Code for the first time is a class A misdemeanor. However, if the person intentionally violating the Ethics Code derives a financial benefit of \$1000 or more as a result of a first violation, or for second and subsequent violations, the person is guilty of a class D felony. The Attorney General may sue the violator for up to two times the economic gain received through knowingly committing or knowingly profiting from a violation of the Ethics Code.

**20. Disclosure or use of confidential information by former state employees.** No former OHA employee may disclose or use confidential information acquired in state service, for the financial benefit of any person. This is a lifetime prohibition.

**21. Participation by former employees in matters in which they personally took part.** No former OHA employee may represent anyone (other than the state) concerning any particular matter (1) in which the employee participated personally and substantially while in state service and (2) in which the state has a substantial interest. This is a lifetime prohibition. It applies regardless of where the representation occurs and whether or not compensation is involved. The term "particular matter" must always be decided on a case by case basis. Although the concept is essentially a narrow

one, a specific “particular matter” (e.g., an administrative enforcement proceeding) cannot be further divided into separate phases (prehearing investigation, hearing, decision, etc.).

**22. Representation of clients before OHA and the Insurance Department by former employees.** No former OHA employee shall, for one year after leaving state service, represent anyone (other than the state) for compensation before OHA, concerning any matter in which the state has a substantial interest. The term “represent” includes any action which reveals the identity of the individual, for example, a personal appearance, phone call, signature on a document, identification on a firm’s letterhead, etc.

**23. Consulting by former employees with OHA or the Insurance Department.** Former OHA employees may enter into direct consulting with OHA within a one-year period after leaving state service, so long as the re-employment is at no greater pay level than the individual was receiving at the time of separation from state service plus necessary expenses.

**24. Employment of former employees by parties who have a state contract negotiated by the former employee.** No former OHA employee who participated substantially in or supervised the negotiation or award of a state contract of \$50,000 or more may accept employment with a party to the contract (other than the state) for one year after resignation from state service if the resignation occurs within one year after the contract was signed. Substantial participation includes direct, extensive and substantive participation, as opposed to peripheral, clerical or ministerial participation. “Employment” includes work as an independent contractor or consultant.

**25. Employment of former employees by managed care organizations.** No former OHA employee may knowingly accept employment with a managed care organization for one year following termination of employment with OHA.

**26. Questions.** Anyone subject to the Ethics Code, including any OHA employee, may request the advice of the Office of State Ethics (advisory opinion) as to how the code applies to a situation. The Office’s staff also provides informal advisory letters when the question posed is unambiguous or has been previously addressed by an advisory opinion. If you have any questions about Connecticut’s ethics laws, you should contact the Office staff at:

**Office of State Ethics**  
**20 Trinity St. Hartford, CT 06106-1660**  
**Telephone (860)-566-4472**  
**Fax (860) 566-3806**

**Ethics Statement Revised to May 1, 2020**  
Previous Revisions: May 30, 2014  
October 27, 2011  
May 2, 2008