



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

**Advisory Opinion
No. 10-05-005**

A public employee may not hold any employment relationship that would impair her impartiality and independence of judgment as a public employee. A County employee, who also has a private practice, requests advice as to whether she may accept a client who was referred through a private insurer after being treated by the County department for which she works. The Commission concludes that there is no ethics violation.

The employee works as a social worker in the “Home Based Mental Health Team” in the Department of Health and Human Services. That team receives privately insured clients from the Department’s Child Welfare Unit. A family receiving services from the Child Welfare Unit was referred to the employee's private practice by the family’s private health insurance provider. The Child Welfare Unit did not refer the case to the Home Based Mental Health Team.

Section 19A-12(b)(2) prohibits a public employee from holding any employment relationship that would impair her impartiality and independence of judgment as a public employee. The Commission discerns no violation. In this case, the employee did not use her public position to refer the family to her private practice—that referral was made by the family’s private health insurance provider. Moreover, the employee is not simultaneously serving the family as a public employee.

In reaching this decision, the Commission has relied upon the facts as presented by the requestor.

FOR THE COMMISSION:

July 26, 2010

Date

Stuart Rick, Chair