



## MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel  
*Chair*

Steven Rosen  
*Vice Chair*

**April 4, 2019**

**Waiver 19-03-004**

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver. Section 19A-8(b)(3) states that the Ethics Commission may grant a waiver of this prohibition if the Commission concludes that the outside employment will not be likely to create an actual conflict of interest.

Alexandra Assad is a Nurse Practitioner with the Public Health Services (PHS) Division, STD and HIV Services Section at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Maternal Newborn Registered Nurse (RN) with Medstar Montgomery Medical Center (Medstar), an entity that has a contract with DHHS. Because she seeks to work as an employee of a contractor with her County agency, she must seek a waiver of the prohibitions contained within the Public Ethics Law regarding being employed by an entity that negotiates or contracts with her County agency.

As a Nurse Practitioner with PHS, Ms. Assad's job is to screen, diagnose, educate and treat patients with sexually transmitted diseases. She has no contract monitoring or procurement responsibilities in her County role. In her role at Medstar, she would be an RN caring for females in labor and during the postpartum period, as well as caring for newborn babies. She would have no contract monitoring or procurement responsibilities in her role with Medstar.

Montgomery General Hospital, now known as Medstar Montgomery Medical Center, has a long-standing contract with DHHS for Level IV.D medically managed detoxification services. This contract was first issued in 2004 and is only used in emergency circumstances. Neither Ms. Assad's role with the County nor her proposed outside employment with Medstar have anything to do with this emergency services contract.

A waiver may be issued by the Ethics Commission upon a finding of no likelihood of an actual conflict of interest. There is the potential for population overlap between Ms. Assad's County clients and her Medstar clients. If Ms. Assad is presented with an overlap patient, she will have the charge nurse or her supervisor take over the task or switch the assignment to avoid her

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treating the same patient while she is acting in two different roles. Aside from the remote possibility of crossover clients, the contractor position has no relationship to her position with DHHS.

Upon a review of Ms. Assad's request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

In reaching this decision, the Commission has relied upon the facts and representations presented by Ms. Assad in her request for a waiver.

For the Commission:



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Rahul K. Goel, Chair