



## MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel  
*Chair*

Susan Beard  
*Vice Chair*

**April 13, 2020**

**Waiver 20-04-001**

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 of the prohibition. 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.

Sarah Moore is a Therapist II at Access to Behavioral Health Services (Access Team) which is part of the Behavioral Health and Crisis Services (BHCS) Division at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Crisis Therapist at Johns Hopkins – Suburban (Suburban) in the Emergency Room. Suburban has two contracts with DHHS. As the proposed outside employer contracts with DHHS, the outside employment is barred pursuant to 19A-12(b)(1)(B), unless the Ethics Commission issues a waiver pursuant to Section 19A-8(b)(3).

As a Therapist II with DHHS-BHCS, she connects low income persons of all ages living in Montgomery County to behavioral health services. She provides in-person or telephone case consults, behavioral health screening, and some case management. All her clients are short-term cases with the goal to connect them to long-term care in the community. Individual therapy sessions in-person are rare. The population she serves in her official capacity is adults (18+ years old) residing in Montgomery County who are either covered by Medicaid or Medicare or who are uninsured.

As a Crisis Therapist at Suburban, she would arrange appropriate patient placement or treatment recommendations based on assessment of presenting symptoms and identified risk factors; maintain a knowledge base regarding referral resources and placement options; and initiate consultation with community-based therapists, case managers and psychiatrists. She would perform a complete, comprehensive assessment of emergency department (ED) patients and their family psychosocial/safety needs to include coping mechanisms, suicide risk assessments, assessment of compliance history with plans of care, medications and desired outcomes. Based

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on these assessments, she would then make referrals to appropriate level of care and/or services such as substance abuse, patient/family counseling/therapy. She would also obtain voluntary consent or initiate involuntary commitment when indicated; obtain insurance pre-authorization for inpatient admissions to Suburban's behavioral health unit from the ED and medical floors and for transfers to other hospitals from the ED.

Lastly, she would function as a consultant to Outcomes Management and medical nursing unit staff in regard to behavioral clients being treated on a medical floor.

The population she would serve in her proposed role at Suburban would be any individual entering the ED. They may have Medicaid, Medicare, or private insurance, or they may be uninsured.

Montgomery County has two contracts with Suburban related to adolescent substance abuse treatment/education and cancer prevention for low income residents. However, to the best of her knowledge, Suburban's emergency room receives no funding from the County for mental health crisis assessment and treatment.

While there is always a possibility that a conflict of interest would arise if she were presented with a cross-over client, she has agreed that she would not see or assess any clients at Suburban that she works with in her official capacity as a member of the Access Team for the County. Also, if a client from Suburban appears in her caseload in her official capacity, she will ask a colleague on the Access Team to handle such a crossover client to prevent any conflict of interest.

The DHHS Access Team, of which she is a part, often makes referrals to local hospitals for patients requiring behavioral health services. Suburban Hospital is one of the hospitals patients are referred to. She has agreed that she will not make any referrals to Suburban in her official role with the County while she has outside employment with Suburban. If she is presented with a case in her official capacity where a referral to Suburban may be the most fitting placement for a patient, she will ask another colleague on the Access Team to handle the case.

In her role at DHHS, she holds no contract monitoring or procurement responsibilities and is not involved in contract matters affecting Suburban. At Suburban, she does not work on matters related to DHHS contracts with Suburban.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the commitments of Ms. Moore and the Department's concurrence in and support for the waiver request, the Commission finds that the proposed employment is not likely to create an 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 presented by Ms. Moore in her request for a waiver. The Commission notes that while 19A-12(b)'s prohibition is waived, the other provisions of the ethics law are not, including those prohibiting an employee from working on official matters relating to the outside employer. The waiver approval is conditioned on the facts on which the waiver is based remaining unchanged. It is also

conditioned on Ms. Moore not making referrals as a County employee to Suburban or soliciting other County employees to make such referrals.

For the Commission:



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Rahul K. Goel, Chair