



## MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel  
*Chair*

Susan Beard  
*Vice Chair*

**December 11, 2020**

**Waiver 20-11-012**

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.

Peaches Wilson is a Supervisory Therapist with the Behavioral Health and Crisis Services (BHCS) Division, Trauma Services: Abused Persons Program (APP) and Victim Assistance & Sexual Assault Program (VASAP) at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a “pro re nata” (PRN) -- as necessary -- Psychiatric Crisis Clinician at Holy Cross Health Germantown, an entity that has a contract with DHHS.

Ms. Wilson supervises six therapists who provide counseling to adults in the County who have experienced domestic violence or were otherwise a victim of crime. She will also be the contract monitor for services of the Abuser Intervention Program for the male offenders who are referred to the program.

In her role at Holy Cross Health Germantown, she will be a PRN Psychiatric Crisis Clinician in the Emergency Psychiatric department of the hospital. She will complete basic psychosocial evaluations for individuals coming into the emergency room who are experiencing a psychiatric emergency to assess whether they are a danger to themselves or others. She will perform diagnostic impressions and formulate a discharge plan. Should the patient request or require inpatient hospitalization, she will coordinate the transfer for their placement at an acute care psychiatric facility. Sometimes, a physician at the hospital will order a psychiatric consultation for individuals where there may not be imminent danger and the Psychiatric Crisis Clinician also completes those orders and provides community referrals to the patient.

Holy Cross Health, the umbrella organization that Ms. Wilson’s proposed outside employer falls under, has several contracts with Montgomery County Government, including two small contracts with DHHS that involve cancer and tobacco prevention as well as services provided to elderly County residents. Ms. Wilson’s proposed role with Holy Cross Health Germantown is not implicated in either of those contracts. Her role with Holy Cross Health Germantown would be paid for through private insurance carriers.

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100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850  
OFFICE: 240.777.6670 FAX: 240.777.6672

Lastly, in her proposed outside employment role with Holy Cross Health Germantown, Ms. Wilson would have no contract monitoring, procurement, or execution functions. And in her official capacity with DHHS, while she is a contract monitor for the Abuser Intervention Program, to her knowledge, Holy Cross Health does not provide this sort of service and will not be the provider with which DHHS contracts.

Because of these facts, the outside employment does not pose an actual conflict of interest with Ms. Wilson's County duties.

A waiver may be issued by the Ethics Commission upon a finding of no likelihood of an actual conflict of interest. While Montgomery County Government has several contracts with Holy Cross Health, none of them are with Holy Cross Health Germantown specifically. And none of the County's contracts with Holy Cross Health involve psychiatric crisis triage, which is the role Ms. Wilson would be providing at Holy Cross Health. It is possible that there could be overlap between the populations Ms. Wilson serves in her official capacity with DHHS and the population she may serve in her proposed outside employment. Typically, if an issue of conflict arises at Holy Cross Health, she would be required to inform the Emergency Room director who will assess if another clinician can do the assessment. If a situation arises with a crossover patient, she will ask her supervisor in either role to assign the case to another clinician.

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 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). 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 approval of this waiver is conditioned on the facts on which the waiver is based remaining unchanged. It is also conditioned on Ms. Wilson not making referrals as a County employee to Holy Cross Hospital or soliciting other County employees to make such referrals.

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

For the Commission:

A handwritten signature in blue ink, appearing to read 'Rahul Goel', with a stylized flourish at the end.

Rahul Goel, Chair