



MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard
Chair

Bruce Romer
Vice Chair

August 17, 2021

Waiver 21-08-013

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.

Elaine Byfield is a Supervisory Social Worker at Child Welfare Services (CWS) in the Children, Youth and Family Services (CYFS) Division at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a PRN Psychiatric Crisis Clinician with Holy Cross Hospital, an entity which has contracts with DHHS.

As a Supervisory Social Worker with DHHS-CYFS, Ms. Byfield provides clinical supervision and oversight for 7-8 social workers who conduct investigations (assessments of children who have been abused and neglected), provide in-home services, out of home services (Kinship and Foster Care) to children and youth throughout the developmental spectrum from age 0 to 21. Supervisory Social Workers are responsible for overseeing the day-to-day activity of social workers as it pertains to risk, safety, well-being, and permanency, and to collaborate with stakeholders across the region to identify and develop resources and appropriate services to achieve permanency for the children overseen by the unit.

As a PRN Psychiatric Crisis Clinician at Holy Cross Hospital, Ms. Byfield would be responsible for providing direct clinical consultation to patients and families, when appropriate, as part of the assessment consultation team, with emphasis on completing psycho-social assessments, and recommending appropriate behavioral health treatment to patients in the hospital's Emergency Center (EC). She would initiate and complete psychiatric placement, when needed, in the EC and inpatient hospital units. She would also provide psychiatric case management, including finding psychiatric beds and obtaining authorization from managed care companies.

Holy Cross Health 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. Byfield's proposed role with Holy Cross Hospital is not implicated in any of these contracts. If, in some unlikely circumstance, Ms. Byfield is

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presented with a crossover client in either of her roles, she will hand that case to a colleague to avoid any potential conflict of interest. And finally, in Ms. Byfield's role at DHHS, she holds no contract monitoring or procurement responsibilities and is not involved in matters affecting Holy Cross Hospital. At Holy Cross Hospital, she does not work on matters related to DHHS contracts with Holy Cross Hospital.

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. Byfield 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. Byfield.

For the Commission:



Susan Beard