



MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard
Chair

Bruce Romer
Vice Chair

December 13, 2021

Waiver 21-12-019

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.

Emily Pavetto is a Community Health Nurse II with the Maternity Partnership Program (MPP), which is part of the Public Health Services (PHS) Division at the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as an in-home hospice provider with Jewish Social Service Agency (JSSA), an entity that has contracts with DHHS.

As a Community Health Nurse II with PHS, Ms. Pavetto provides clinical assessment and case management to high-risk pregnant women and infants at risk who are participants in the program. Case management is provided via phone and home visits. She also staffs the health center's immunization clinic once a month. The group she serves in her official role with the County is comprised of uninsured pregnant women and uninsured infants. She has no contract monitoring or procurement responsibilities in her County role.

In her role at JSSA, she would be a weekend hospice nurse who provides home visits for symptom management to patients who are at end of life. The position is on an "as needed" basis (sometimes there are more patients that need visits than there are weekend staffers, so there is a pool of "as needed" staff to help fill-in). This outside position will require 4-8 hours per month, on weekends only. The group she would serve in her proposed role with JSSA is comprised of geriatric patients with a mix of private health insurance and Medicare. She would have no contract monitoring, procurement or execution responsibilities in her role with JSSA. JSSA has three contracts with DHHS involving early childhood services, outpatient behavioral health services for children, and community support for persons with disabilities. None of these contracts intersect with Ms. Pavetto's proposed role with JSSA. Her role with JSSA would be paid through Medicare or private insurance, and not through County funding. She will have no ability to affect the contracts between the two entities in either of her roles. Furthermore,

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her roles will not result in any overlap between the patient populations she will be treating. However, if an overlap were to occur, she would ask her JSSA supervisor to assign the overlap case to another nurse monitor.

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. Pavetto not making referrals as a County employee to JSSA or soliciting other County employees to make such referrals.

This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission. In reaching this decision, the Commission has relied upon the facts as presented by Ms. Pavetto.

For the Commission:



Susan Beard, Chair