



MONTGOMERY COUNTY ETHICS COMMISSION

**Waiver 22-12-020
December 19, 2022**

Mery Aguilar de Rivas is a Social Worker III at the Child Welfare Services Section of the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Psychiatric Crisis Clinician at Holy Cross Health Emergency Department (Holy Cross), an entity that has a contract with DHHS.

Montgomery County Public Ethics Law Section 19A-12(b)(1)(B) provides that, unless waived by the Ethics Commission, a County employee is prohibited from working for an entity that “negotiates or contracts with the County agency with which the public employee is affiliated.” 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. As Ms. Aguilar de Rivas’s proposed outside employer contracts with DHHS, the outside employment is barred pursuant to 19A-12(b)(1)(B), absent her obtaining a waiver from the Ethics Commission under Section 19A-8(b)(3).

As a Social Worker III at DHHS, Ms. Aguilar de Rivas is responsible for providing intensive clinical case management to families whose children have been removed from their care due to abuse and/or neglect and placed in out of home placements. She assesses for safety and risk factors for child maltreatment with respect to every child in her caseload and implements services to address the issues that brought the child to the attention of Child Welfare Services and works towards reunification of children with their families.

In her role as a Psychiatric Crisis Clinician at Holy Cross, Ms. Aguilar de Rivas completes mental health assessments for patients at Holy Cross Emergency Department and determines the level of services the patient needs. She collaborates with the Emergency physicians and psychiatrists to determine the plan of care for the patient, whether the patient is admitted, transferred to another facility, or discharged with outpatient services.

She does not perform any contract monitoring as part of her job for DHHS or Holy Cross. Additionally, her proposed job at Holy Cross is not funded by any of the contracts Holy Cross has with Montgomery County DHHS.

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Given that Holy Cross Emergency Department provides emergency psychiatric services to any individual who is in need of emergency medical services, it is likely that at some point the population Aguilar de Rivas serves at DHHS may find themselves in need of emergency psychiatric services. If she were called upon at Holy Cross to provide services to such patients, she would seek assistance from other hospital staff to ensure that the patient receives the emergency services they need. She would refrain from directly serving that individual, but she would provide support to staff where necessary. Also, if she encounters a client in her County role who she dealt with in her outside capacity, she will pass that client to a colleague at DHHS.

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).

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. Aguilar de Rivas.

For the Commission:



Susan Beard, Chair