



MONTGOMERY COUNTY ETHICS COMMISSION

October 12, 2023

Waiver 23-10-014

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.

Felicia Adjei is a Correctional Health Nurse II in Detention Services at the Montgomery County Department of Correction and Rehabilitation (“DOCR”). She would like to engage in outside employment as an Emergency Room Registered Nurse with Medstar Montgomery Medical Hospital (“Medstar Montgomery”), an entity that has contracts with DOCR.

I. Relevant Facts

As a Correctional Health Nurse II with DOCR, Ms. Adjei’s responsibilities include conducting intake screenings for newly incarcerated inmates, collecting and analyzing inmate health data, administering oral and intravenous medicines, and other healthcare-related actions on an as-needed basis at the Montgomery County Correctional Facility. She has no contract monitoring or procurement responsibilities in her County role.

In her role at Medstar Montgomery, Ms. Adjei will triage patients entering the Emergency Department, stabilize patients suffering from a wide range of illnesses and injuries, identify current and potential complex health problems in specific patient populations, and administer medicines as directed by the physician. I will also perform other healthcare-related actions on an as-needed basis. She would have no contract monitoring or procurement responsibilities in her role with Medstar Montgomery.

Medstar Montgomery has a relatively minor contractual relationship with DOCR for provision of behavioral and medical services to the County’s incarcerated population. Ms. Adjei’s role with Medstar Montgomery would not be paid through the funds Medstar Montgomery receives from DHHS. Additionally, Ms. Adjei would have no ability to affect the financial arrangement between the two entities in either of her roles. As an Emergency Room nurse, Ms. Adjei does not have the ability to recuse herself from working on a DOCR inmate in emergency situations. But if presented with a DOCR case in her outside capacity, if

MONTGOMERY COUNTY ETHICS COMMISSION

100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850

OFFICE: 240.777.6670 FAX: 240.777.6672

circumstances allow, she will ask her supervisor at the Emergency Room to give such cases to another nurse.

II. How the waiver standard has been met

A waiver may be issued by the Ethics Commission upon a finding that an actual conflict of interest is unlikely. While patient overlap is theoretically possible between Ms. Adjei's official County and outside employment with Medstar Montgomery, Ms. Adjei has no authority to affect the contract between DHHS and her outside employer, and whenever possible, she will recuse herself from non-emergent overlap patients.

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 approval of this waiver is conditioned on Ms. Adjei not being designated a point of contact for County employees while she is working at Medstar Montgomery. This waiver is also conditioned on Ms. Adjei not making referrals as a County employee to Medstar Montgomery or soliciting other County employees to make such referrals. And the approval of this waiver is conditioned on the facts on which the waiver is based remaining unchanged.

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.

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. Adjei.

For the Commission:



Jennifer Collins, Acting Chair