



## MONTGOMERY COUNTY ETHICS COMMISSION

**March 11, 2026**  
**Waiver 26-03-006**

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.

Turquoia Johnson is a Community Health Nurse II (CHN II) at the Public Health Services Division (SSD) of the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as a Nurse Monitor for Advanced Nursing and Home Care (Advanced Nursing), an entity that contracts with DHHS.

As a CHN II at PHSD, Ms. Johnson provides direct healthcare services to pediatric students attending public schools in Montgomery County to support their safety, well-being, and academic success. Her responsibilities include conducting health assessments, managing chronic conditions, administering medications, responding to emergencies, and maintaining accurate health records.

In her proposed outside employment as a Nurse Monitor for Advanced Nursing, Ms. Johnson would be tasked with care plan development and modification for each Community First Choice participant. She would communicate with medical professionals, develop a Caregiver Service Plan and document what personal care assistance is needed to help the client with activities of daily living. She would provide supervision, instruction, and evaluation of Personal Care Assistance providers. And she would perform nurse monitoring service data entry into Long Term Services Supports electronic tracking system within fifteen days of the client's visit to ensure timely authorization of services.

Ms. Johnson holds no contract monitoring or procurement functions in either her County role or her prospective role with Advanced Nursing. Further, the population she serves with the County is exclusively minor children enrolled in Montgomery County Public Schools, while the population she would serve at Advanced Nursing will be comprised of geriatric and disabled persons. While she acknowledges the potential for overlap, if such overlap occurs, she will hand that patient to a colleague to avoid even the appearance of a conflict of interest.

Advanced Nursing has two contracts with DHHS for case management and nurse monitoring. Ms. Johnson's role with Advanced Nursing will be partially funded by a contract between DHHS and Advanced Nursing but not fully funded by that contract. Advanced Nursing is also paid

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**100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850**

**OFFICE: 240.777.6670**

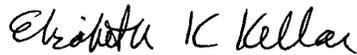
through private duty contracts, so part of Ms. Johnson's wages will be paid through those non-county contracts.

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 reviewing the request and the Department's concurrence in and support for the waiver request, the Commission finds that granting the waiver is not likely to cause an 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 upon which the waiver is based remaining unchanged. It is also conditioned on Ms. Johnson not making referrals as a County employee to Advanced Nursing. She will pass any crossover clients needing such a referral to a colleague at DHHS.

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. Johnson.

For the Commission:



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Elizabeth Kellar, Chair