



## MONTGOMERY COUNTY ETHICS COMMISSION

**May 9, 2024**

### **Waiver 24-05-002**

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.

Melanie Lugo is a Community Health Nurse II with the Infectious Disease Section, 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 a Care Navigator with Adventist HealthCare Shady Grove Medical Center (Adventist), an entity that has contracts with DHHS.

As a Community Health Nurse II with PHS, Ms. Lugo provides care coordination to clients of the Infectious Disease Center on Dennis Avenue in Silver Spring, MD. She provides triage services, treatment, immunization, and education to patients regarding medication adherence and diseases. And she also supports the medical providers as needed.

In her proposed role as a Care Navigator at Adventist, she will provide discharge planning by connecting patients to specialty care or primary care and referring them to outside resources.

She would have no contract monitoring, procurement or execution responsibilities in her role with Adventist, and she has no contract monitoring responsibilities in her official capacity with DHHS either.

Adventist contracts with DHHS but Ms. Lugo's role as a Care Navigator with Adventist is not funded by any County contracts with Adventist.

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).

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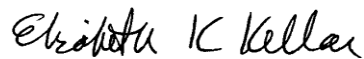
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The Commission notes that while 19A-12(b)'s prohibition is waived, the other provisions of the ethics law are not, including those prohibiting an employee from working on official matters relating to the outside employer. The approval of this waiver is conditioned on the facts upon which the waiver is based remaining unchanged. It is also conditioned on Ms. Lugo not making referrals as a County employee to Adventist. She will pass any DHHS 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. Lugo.

For the Commission:



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Elizabeth Kellar, Chair