



MONTGOMERY COUNTY ETHICS COMMISSION

September 12, 2024

Waiver 24-09-009

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.

Njolle Ewane is a Correctional Health Nurse II at the Detention Services Division at Montgomery County Department of Correction and Rehabilitation (“DOCR”). She would like to engage in outside employment as a Registered Nurse with Adventist Healthcare Shady Grove Hospital (Adventist), an entity that has contracts with DOCR.

As a Correctional Health Nurse II with DOCR, Ms. Ewane provides safe care to incarcerated individuals by assessing their mental and physical health during intake and throughout their stay in Montgomery County Correctional Facility. She also assesses incarcerated individuals who are at risk for suicide and intervene to keep them and others safe, monitors individuals with actual or suspected alcohol and opiate overdoses and provides intervention following facility protocol, manages incarcerated individuals with chronic illnesses through daily sick calls, and screens incarcerated individuals for infectious diseases and follows protocols to minimize the spread of disease.

In her proposed role as a Registered Nurse at Adventist, she would be assigned to the rehabilitation floor. Her tasks would include monitoring input and output in patients with renal and congestive heart failure, as well as vital signs in patients withdrawing from alcohol and other substances. She would also administer oral, intravenous, intramuscular, and subcutaneous medications. She would educate patients and their families on disease processes, medical-surgical procedures, and other aspects of therapeutic regimens, including medication and pain management techniques.

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 DOCR either.

Adventist contracts with DOCR but Ms. Ewane’s role as a Registered Nurse with Adventist is not funded by any County contracts with Adventist.

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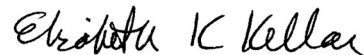
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Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon 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 upon which the waiver is based remaining unchanged. It is also conditioned on Ms. Ewane not making referrals as a County employee to Adventist. She will pass any DOCR clients needing such a referral to a colleague at DOCR.

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. Ewane.

For the Commission:



Elizabeth Kellar, Chair