

May 21, 1997
Re: IO-97-82

You inquired whether you could enter into a contract with the Department of Aging to teach in the department's respite care program. You would be teaching health aides such things as ethics, standard nursing procedures, sensitivity training, and other issues of relevance to respite workers. You currently have a contract with Geriatric Health Services, a part of the Department of Health, to work as a community health nurse. Your basic duties as a CHN include the evaluation of patients and assistance in obtaining necessary community and health services for those patients who need them. You indicated that the departments of health and aging work closely together in these areas, that their responsibilities are cooperative and inter-dependent in many areas in which you work.

You also stated that you operate your own business which provides gerontologic educational resource services. It is through this business that you acquired your contract with the health department and the opportunity to contract, if permitted by the ethics law, with the aging department. This business, or professional service, provides three types of services: staff development in long term care facilities, trouble-shooting of problems in these facilities, and private consultations with staff, clients, and families, to identify problems in the facilities. In addition to your contracts with the county, you provide your services to private nursing homes, assisted living facilities, and adult day-care facilities.

There may be a conflict of interest between your interest in Gero-Resources and your health department contract. However, your contract with the Department of Health is a matter for the Maryland State Ethics Commission to review. This is true even though you contracted with the county and are paid by the county. As to these issues, you must direct your inquiries to the State Ethics Commission.

As to your proposed contract with the Department of Aging, your status as an "employee" subject to the ethics law would depend upon the terms of your contract. Please provide me with a copy of the contract, and a description of your responsibilities and duties under the contract.

I am really very sorry for the delay in responding to your inquiry and I appreciate your responsiveness to our requests for more information. I hope and expect that we will be able to respond more quickly upon receipt of the proposed contract from the department of aging.

Sincerely,

Betsy K. Dawson