



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 91-27

Outside Employment of Utilization Review Nurses

Petitioners are full-time Utilization Review Nurses (URNs) for the State Department of Income Maintenance (DIM), seeking advice from the Ethics Commission on the subject of outside employment. Both Ms. Shaffer and Ms. Stowell are involved with Pre-admission Screening (PAS), a process which determines whether a medicaid client seeking admission to a nursing home could obtain more efficient and cost-effective care through home health care. Each also is available to answer questions regarding the completion of necessary forms. Ms. Shaffer, in addition to her state responsibilities in a geographical area which includes Waterbury and northwestern Connecticut, is employed part-time by Health Resources of East Berlin to perform skilled nursing in various nursing homes within her DIM district, including homes which care for medicaid clients. Ms. Stowell, who is assigned by DIM to the Bridgeport area, is employed part-time by United Home Care (UHC) Inc., a non-profit home care provider in the Bridgeport area which receives payments for services from DIM.

Conn. Gen. Stat. §1-84(b) is designed to prevent conflicts of interest with state employment by prohibiting the acceptance by a state employee of other employment which will either impair his or her independence of judgment with respect to his or her state duties or which will result in his or her disclosure of confidential information acquired in the course of his or her state service. In addition, Conn. Gen. Stat. §1-84(c) prohibits a state employee from using his or her public position or confidential information acquired as a result of such position to obtain personal financial gain. The Ethics Commission has previously held that "[...] conflicts of interests, both real and apparent, are almost inevitable when a State employee accepts outside employment with an entity which can benefit from the employee's official actions." See Ethics Commission Advisory Opinion No. 88-14, 50 Conn. L.J. No. 15, p. 1D (October 11, 1988).

It does not appear that the outside employment of Ms. Stowell and Ms. Shaffer is likely to lead to the misuse of confidential information. However, the published job

specifications for a DIM Utilization Review Nurse include a wide range of responsibilities, including the assessment of the quality and propriety of health care services and the appropriateness of placement; on-site visitation to observe clients and review medical records; and determination of facilities' compliance with utilization review. In general, no employee with such varied and far-reaching oversight responsibilities may, under the Code of Ethics for Public Officials, accept employment with any nursing home or home care provider in his or her district of responsibility. See Ethics Commission Advisory Opinion No. 90-24, 52 Conn. L.J. No. 9, p. 5C (August 28, 1990).

In this instance, however, the URNs in question do not, under any circumstances, perform facility compliance review work; thereby avoiding that significant potential conflict. Additionally, although they do exercise a degree of discretion in reviewing client placement documentation, this discretion is, in fact, quite limited. Furthermore, any attempt by the URNs to utilize this very limited authority to refer clients to their outside employers is, in this case, extremely unlikely, since the URN does not know which facility in the district will receive the placement.

Consequently, it is the Commission's opinion that since, despite their job titles and job specifications, neither Ms. Stowell nor Ms. Shaffer has either significant authority to make decisions which might affect their outside employers or supervisory or oversight responsibilities with respect to such entities, their outside employment is permitted by the Code of Ethics for Public Officials.

By order of the Commission,



Astrid T. Hanzalek
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Chairperson

Dated 12-9-91