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DEPARTMENT OF HEALTH

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**EFFECTIVE DATE:** August 14, 2020

**ISSUE DATE:** August 14, 2020

**SUBJECT: DEPARTMENT OF HEALTH CODE OF ETHICS**

**I. PURPOSE**

This Administrative Order sets forth the Department of Health Code of Ethics. This Code is intended to supplement the Uniform Ethics Code ("UEC") adopted by the New Jersey State Ethics Commission ("SEC") which establishes the general standards and requirements of conduct necessary for all State officers and employees and special State officers and employees. The supplemental Department of Health Code establishes additional rules of conduct which are needed for the proper and efficient operation of the Department. The rules and restrictions contained in the Department of Health Code of Ethics apply to officers and employees and special State officers and employees of the Department's state psychiatric hospitals, whether compensated or not compensated.

**II. SCOPE**

This Order governs the conduct of officers and employees and special State officers and employees of the Department's state psychiatric hospitals.

**III. AUTHORITY**

*N.J.S.A. 52:13D-12 et seq.* (New Jersey Conflict of Interest Law)  
*N.J.A.C. 19:61-1.1 et seq.* (SEC Rules)  
New Jersey Uniform Ethics Code

**IV. DEFINITIONS**

As used in this Order, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings.

**Cohabitant** means a non-related person who shares a household under circumstances where there is financial interdependence.

**Covered employee** means any person, other than a special State officer or employee, holding an office or employment in any of the Department's state psychiatric hospitals.

**Department** means the New Jersey Department of Health.

**Ethics Liaison Officer** means the individual(s) designated by the Commissioner of the Department of Health to assist the State Ethics Commission in implementing and enforcing the Conflicts Law and related ethics codes.

**Relative** means an individual's spouse or domestic partner or the individual's or spouse's or domestic partner's parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the relative is related to the individual or the individual's spouse by blood, marriage or adoption.

## V. **POLICY**

The primary obligation of any covered employee is to the Department and the individuals it serves.

### A. Family Members/Cohabitants

1. All covered employees who are supervisors or exercise authority regarding personnel actions shall complete the Supervisory Conflicts of Interest Certification in accordance with procedures established by the Department. They shall provide such additional information as may be necessary to determine whether the employee is in compliance with the prohibitions set forth in Section XIII of the UEC relating to the supervision or exercise of any authority with regard to personnel actions over a relative, a cohabitant, or a person with whom the employee has a dating relationship. The Certification shall be reviewed by the Ethics Liaison Officer to determine whether a supervisory conflict exists.
2. Covered employees are required to notify Department management of any relative, cohabitant, or person with whom the employee has a dating relationship, who is known by the covered employee to be employed by a contractor, consultant, vendor, or any other company or firm doing business with the Department.
3. Covered employees are required to notify the Ethics Liaison Officer of any relative or cohabitant who is known by the covered employee to be employed by any agency or firm that performs any service for the State of New Jersey, or who is employed by the Department.

## B. Outside Activity and Employment

1. Prior to being undertaken, covered employees and special State officers and employees of the state psychiatric hospitals shall disclose, in writing, outside activity or employment, regardless of whether such activity or employment is compensated (e.g. Part-time job, business venture, volunteer activities, and board memberships). Such disclosure shall be on the DOH Outside Activity Questionnaire for covered employees and Outside Employment Questionnaire for special State officers and employees of the state psychiatric hospitals. The hours of any outside activity or employment may not conflict or coincide with work hours needed for the covered employee's discharge of official duties, nor in any way interfere with the performance of those duties.
2. No covered employee shall have a professional therapeutic relationship with any known client of the Department, regardless of whether such relationship is compensated or uncompensated.
3. No covered employee may solicit, establish or participate in a business, contractual or professional relationship with any client of the Department.
4. No covered employee shall serve in a consultant relationship to any public agency, nor see patients or clients for a fee when such fee is provided by or paid from New Jersey public funds, except upon submission of an Outside Activity Questionnaire and approval by the Ethics Liaison Officer.
5. Covered employees must disclose any outside employment or business that they engage in with other covered employees.
6. Covered employees must submit an Outside Activity Questionnaire when they begin working for the Department, and at least every three years thereafter. Covered employees must also submit an updated Outside Activity Questionnaire when there is a change in the employee's outside activity or State employment, or when directed to do so by management. If the employee is a nursing or direct care worker at a state psychiatric hospital, then the Outside Activity Questionnaire must be submitted no less than once annually and when there is a change in either their State or outside employment.

## C. Political Activities

1. No covered employee shall directly or indirectly use or seek to use his or her authority or influence of his or her position to control or modify

the political action of another person.

- 2 If a covered employee is planning to run for public office of any kind, partisan or non-partisan, serve as a campaign Treasurer or other officer position in a political campaign or hold any officer position in a political organization, then he or she must notify the Ethics Liaison Officer either by email or in person. The Ethics Liaison Officer shall not require the covered employee to identify the political party or affiliation for any of the above positions.

## **VI. PROCEDURAL HISTORY**

This document is based upon the DHS Administrative Order 4:05 which was effective on February 13, 2007 and issued on February 14, 2007 and Administrative Order 4:06 which was issued on November 1, 1977 and revised July 1, 2002.

On June 27, 2017, Governor Christie's Reorganization Plan 001-2017 moved the Division of Mental Health and Addiction Services from the Department of Human Services to the Department of Health. The Department of Health petitioned the NJ State Ethics Commission to apply this Department of Human Services Supplemental Code to the Division of Mental Health and Addiction Services for a period of one year.

On October 1, 2018, Governor Murphy's Reorganization Plan 001-2018 returned the Division of Mental Health and Addiction Services, except for the state psychiatric hospitals, to the Department of Human Services from the Department of Health. The Department of Health determined the need to continue the DHS Supplemental Code. The Supplemental Code is amended to apply to a limited scope of DOH employees, specifically employees and special State officers of state psychiatric hospitals.