

ADVISORY OPINION 94-57

October 13, 1994

RE: May health services instructor continue to provide continuing education for health care professionals?

DECISION: Yes, with limitations

This opinion is in response to your September 21, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the October 13, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are employed as a health services instructor for the Department of Technical Education ("KY Tech") within the Workforce Development Cabinet. In addition you have a private business in which you provide continuing education for nurses and other health care workers. The classes you teach are approved by the Kentucky Board of Nursing, the Department of Education, and the Cabinet for Human Resources.

Your private business includes an agreement with a hospital to provide required AIDS training for nurses and doctors. This type of training is not offered by the KY Tech system in your area. In your official state position you may send students to this hospital for clinical training. This is the only hospital in your area, and the hospital receives no monetary benefit by accepting these students. In addition, in your private business you provide intravenous therapy certification training for nurses. A nearby KY Tech campus offers such training, but does not totally meet the needs of those who wish to take this class. Finally, you previously served on the executive board of a newly established proprietary school offering health care training which was owned by a local business. The training offered by this new school is also offered by the KY Tech system. You resigned from this position because you felt disloyalty to your school system.

Your nursing expertise was not derived from your work with the KY Tech school system. Due to your private business, you served on the Kentucky Board of Nursing Education Committee from 1992-1994. You believe the experience gained from contacts in this area has been very beneficial in your official position. You ask if any of your activities stated above present a conflict with the Executive Branch Code of Ethics.

KRS 11A.020(1)(a) through (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a

substantial conflict between his personal or private interest and his duties in the public interest;

(b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

The Commission finds no conflict with your providing, on your own time, required health care training to health care professionals of your local hospital . However, the Commission believes you should not offer classes in your private business which are offered to students by the local KY Tech campus in your area. Likewise, you should not serve on an executive board of a private entity which offers courses similar to those offered by the KY Tech campus in your area.