



OHIO ETHICS COMMISSION

150 EAST BROAD STREET
COLUMBUS 43215
(614) 466-7090

Advisory Opinion No. : 81-006
September 10, 1981

Syllabus by the Commission:

Division (A) of Section 102.04 of the Revised Code prohibits a state employee, who is a psychologist, from receiving or agreeing to receive compensation as a consultant to a private hospital on a matter that requires the approval of the agency that employs him.

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You asked whether the Ohio Ethics Law and related statutes prohibit a state employee, who is a psychologist, from serving as a consultant to a private hospital on a matter that will subsequently require the approval of the agency that employs him.

You stated, by way of history, that the person in question is the director of the psychology department for an agency of the state. He seeks to serve as a consultant to a private hospital to organize a chronic pain management unit. After he completes the work, the hospital must apply to the agency by which the person is employed, to have the unit added to the "approved provider list." If approved, the unit will provide direct patient services and seek reimbursement from the agency. You stated further that the person will not be involved in the approval or reimbursement process in his official capacity.

Division (A) of Section 102.04 of the Revised Code provides:

Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application or other matter that is before the general assembly or any department, division, institution, instrumentality board, commission or bureau of the state, excluding the courts. (emphasis added)

This provision prohibits a state employee from receiving or agreeing to receive compensation, directly or indirectly, other than from the agency with which he serves, for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any department or agency of the state, including the agency by which he is employed. Therefore, Division (A) of Section 102.04 of the Revised Code prohibits a state employee, who is a psychologist, from receiving or agreeing to receive compensation as a consultant to a private hospital for services rendered on a matter, such as the creation of a pain management unit, that requires approval of the agency that employs him.

The Commission cautions that its advisory opinions are based on the facts presented, and are rendered only with regard to questions arising under Chapter 102. and Section 2921.42 of the Revised Code.

Therefore, it is the opinion of the Ohio Ethics Commission, and you are so advised, that Division (A) of Section 102.04 of the Revised Code prohibits a state employee, who is a psychologist, from receiving or agreeing to receive compensation as a consultant to a private hospital on a matter that requires the approval of the agency that employs him.


JOHN BENSON, CHAIRMAN
OHIO ETHICS COMMISSION