



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 203

March 25, 1994

Whether the Texas Board of Nursing Facility Administrators is a major state agency. (SP-2)

A question has arisen whether the Texas Board of Nursing Facility Administrators is a major state agency. Board members of all state agencies must file financial statements by April 30 each year. Gov't Code § 572.026(a). An individual appointed to serve on the board of a major state agency must file a personal financial statement "not later than 30 days after the date of appointment or the date of qualification for the office." *Id.* subsec. (b).¹

Chapter 572 of the Government Code lists as a major state agency the Texas Board of Licensure for Nursing Home Administrators. Gov't Code § 572.003(c)(27). The act establishing that board expired September 1, 1993. *See* V.T.C.S. art. 4442d (Historical and Statutory Notes); *id.* § 3(10) (Vernon 1993). However, the 73d Legislature adopted the Texas Nursing Facility Administrators Act, which created the Texas Board of Nursing Facility Administrators within the Texas Department of Health. S.B. 674, Acts 1993, 73d Leg., ch. 669, § 2.01, at 2489 (adding V.T.C.S. art. 4512q).² Senate Bill 674 transferred the functions, powers, duties, property, unspent funds, and personnel of the Texas Board of Licensure for Nursing Home Administrators to the Texas Board of Nursing Facility Administrators, effective September 1, 1993. *Id.* §§ 3.01, 3.02(b). Section 3.02(b) of Senate Bill 674 additionally provides:

Any reference in law to the Texas Board of Licensure for Nursing Home Administrators means the Texas Board of Nursing Facility Administrators.

Therefore, we conclude that the Texas Board of Nursing Facility Administrators is a major state agency for purposes of chapter 572 of the Government Code.

SUMMARY

The Texas Board of Nursing Facility Administrators is a major state agency for purposes of chapter 572 of the Government Code.

¹ A member who is appointed to a major state agency must file a financial statement within 30 days of appointment and thereafter by April 30 each year. The law does not require a person to file more than one financial statement for any given year. Gov't Code § 572.028.

² Article 4512q expires September 1, 2005, unless continued in existence as provided under the Texas Sunset Act.