



ID # 14746
MBS

**Texas Board of Licensure
For Nursing Home Administrators**

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January 22, 1992

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Opinion Committee
Office of the Attorney General
P. O. Box 12548
Austin, TX. 78711-2548

Dear Committee Members,

The Texas Board of Licensure for Nursing Home Administrators (TBLNHA) is authorized under Article 4442d V.T.C.S.. I am requesting clarification of two sections of that article.

Sec. 3. (1) There is hereby created the Texas Board of Licensure for Nursing Home Administrators which shall consist of nine (9) members. The Commissioner of Human Resources for the State of Texas, or his designee, the Commissioner of Health of the Texas Department of Health, or his designee, and the Executive Director of the Texas Department on Aging, or his designee, shall be ex officio nonvoting members of the board.

Sec. 8. (a) The Board shall have the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the State to meet the requirements set forth in Section 1908 of the Social Security Act, the Federal rules and regulations promulgated thereunder, and other pertinent Federal authority; provided, however, that no rule shall be promulgated, altered or abolished without the approval of a two-thirds majority of the Board.

The questions presented to you for your review are:

1. What constitutes a quorum of the Board? Do the ex-officio members count toward the quorum?

2. What constitutes a "two-thirds majority of the Board"? For example, if all nine voting members are present at a meeting, would the required number of votes to adopt a rule be six (6) or seven (7)? If one (1) voting member were absent from a meeting, would the "two-thirds majority of the Board" be based upon the number in attendance (eight [8]) or the number of appointed, approved, and sitting members (nine [9])?

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Your assistance in this matter is greatly appreciated.

Sincerely,


Robert K. Conkright, Ph.D.
Executive Director

cc: Ms. Jennifer Riggs
Ms. Janet Monteros