



Bob Bullock  
Lieutenant Governor of Texas

MBJ  
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The Capitol  
Austin, Texas 78711-2068  
(512) 465-0001

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Opinion Committee

November 24, 1992

RO-465

The Honorable Daniel C. Morales  
Attorney General  
State of Texas  
209 West 14th & Colorado Streets  
Austin, Texas 78701

Dear Dan:

I would like to request an opinion on the following question: Does the Texas Department of Health have the legal authority to enact the rules currently proposed in the *Texas Register* to deny licenses to nursing facilities that have bad track records?

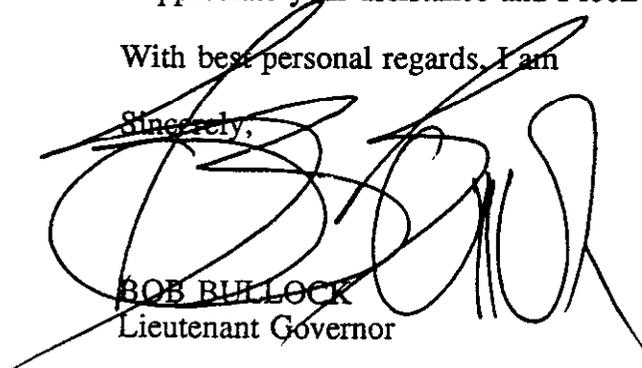
This request stems from the year long work of the Nursing Home Work Group which was created by the Legislative Health and Human Services Board. They have been working on recommendations to keep "bad actors" from owning and operating nursing homes in our state. In order to make sound recommendations there is a need to clarify the current extent of the state's authority to determine if statutory changes are necessary to effectively prohibit bad actors from operating in Texas.

Due to the timing of the upcoming session, I would appreciate it if you would expedite consideration of this question.

I appreciate your assistance and I look forward to your response.

With best personal regards, I am

Sincerely,

  
BOB BULLOCK  
Lieutenant Governor

BB:df

cc: Nursing Home Work Group Members