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Health and Human  
Services

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# **HHS Ethics Overview: Behavioral Health Advisory Committee**

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**David A. Reisman**  
**Chief Ethics Officer**

**Health and Human Services Commission**

# Ethics Laws

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## Basis of Governmental Ethics Laws

Whatever the basis for ethics, the ethics laws we deal with exist to promote confidence in our system of government and sense of fair play.



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# Ethics Office: Mission

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**“Promoting employee confidence through ethical decision-making.”**

The Ethics Office . . .

“Enhances employee awareness of general ethics laws, policies and principles.”

“Is a resource for employees to seek guidance and raise concerns.”

“Elevates ethics as part of everyday conversation.”

“Provides resources to foster fairness and impartiality in the workplace.”



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# Ethics Laws v. Ethics Policy

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**Agency Policy May be  
Stricter than Law**

**[HHS Ethics Policy](#)**



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# Advisory Committee Bylaws

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A Committee member may not:

Participate in legislative or advocacy activities using his/her title or position on the Committee without written approval from the Committee Chair and the HHS Ethics Office in coordination with the HHS Governmental Relations Office and the Committee point of contact; however, members may represent themselves or other entities in the legislative process.



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# Conflict of Interest

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The HHS Executive Commissioner may remove a member from the Committee if:

A member votes or deliberates on an issue that would provide monetary or other gain or that that present a conflict of interest to the member or an entity with which the member is closely affiliated.



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# Ethics Laws and Public Servants

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What can't I do as a public servant that I could do as a private citizen?

- Accept benefits from people subject to your agency or board's jurisdiction
- Accept benefits in exchange for providing a service as a public servant
- Accept certain benefits from a lobbyist
- Be involved in certain matters before your board or agency



# QUESTION

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You are in Austin for a state agency board meeting. You also have private business to conduct in Austin. May you ask the people you are doing business with to meet you in an empty office at the state agency?

May you ask an agency administrative assistant to type up the agreement you reach?



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# QUESTION

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May you give your friend a list of individuals licensed by your agency so she can send campaign materials to those individuals?



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# Ethics Laws & Policy

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## Four main groups of Ethics Laws re: Public Servants

- **Penal Code** – Bribery & Corrupt Influence; Abuse of Office
- **Government Code** – Conflict of Interest Laws
- **Lobby Code** – Public Servant Interaction with Lobbyists
- **Title 15, Election Code**-Candidates and Officeholders



# Ethics Laws and Policy

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- Standards of Conduct
- Acceptance of Benefits
- Conflicts of Interest
- Unauthorized Use of Government Time, Property and Facilities



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# HHS Standards of Conduct

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## Appearance of Impropriety

- Conduct creating the appearance that they are violating the law or the ethical standards.
- Determined from the perspective of a reasonable person with knowledge of the relevant facts.



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# QUESTION

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The legislature is considering a bill that would, in your view, work to the disadvantage of both the public and the individuals licensed by your board.

Another board member suggests that the agency should place an advertisement in the major Texas newspapers urging citizens to write their legislators expressing their opposition to the bill.

Is this permissible?



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# Disciplinary Action

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- 1. Violation of Policy** – May be cause for appropriate corrective or disciplinary action, up to including termination. Such action shall be in accordance with applicable provisions of the agency's Human Resources Manual.
- 2. Violation of Penal Code** – Fines, imprisonment or both.



# Acceptance of Benefits (1 of 4)

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1. Bribery
2. Honoraria
3. Prohibition on Gifts
4. Exceptions to Gift Prohibition
5. Gifts to State Agencies
6. Donation of Gifts to Charities



# QUESTION

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You are on the board of a state agency that regulates the quality of widgets.

At the direction of the company president, who is also your neighbor, a widget company sends some free widgets with a value of \$200 to your house so you can experience the quality for yourself.

May you accept the widgets?



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# Acceptance of Benefits (2 of 4)

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A “benefit” is anything regarded as pecuniary gain or pecuniary advantage.



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# Prohibition on Benefits

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- Public servants are generally prohibited from receiving any “benefit.”
- There are exceptions that are found in state law and agency policy.



# Acceptance of Benefits (3 of 4)

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The following gifts are examples of benefits:

- \$50 clock
- Hotel Room
- Football Tickets
- \$160 Rifle
- \$60 Restaurant Meal



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# Acceptance of Benefits (4 of 4)

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The following gifts are not benefits:

- Single cup of coffee
- Trinkets (mug, keychain, mouse pad)
- Plaque (not made with valuable metal or jewels)



# Bribery

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As a public servant you commit the offense of bribery if you solicit, offer, or accept a “benefit” in exchange for a decision, opinion, recommendation, vote, or other exercise of official discretion.

Penal Code § 36.02



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# Honoraria

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1. Prohibited: Accepting an honorarium where services are requested because of the officer's or employee's official position.
2. Permitted: Food, transportation, and lodging in connection with a speech if the services performed are more than merely perfunctory.



# Exceptions

## Items Less Than \$50

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You may accept an item with a value of less than \$50.

..... which may include food from someone who is not a *prohibited source*.  
HHS Ethics Policy



# HHS-Prohibited Source

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## **Prohibited Source:**

- A vendor or likely vendor;
- Lobbying firms or lobbyists;
- An entity subject to audit, inspection, or investigation by HHS; and
- Legal counsel for a party adverse to the agency.





# Exceptions continued

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1. Independent Relationship
2. Fees for Services
3. Political Contributions
4. Government Property



# Exceptions continued

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## Food, Entertainment, Transportation, & Lodging:

- Permissible if accepted as a "guest" and reported in accordance with any applicable reporting requirement; and
- The donor must be present.
- For most state *employees* there is no applicable reporting requirement.
- Board members and agency heads may be required to report certain gifts on their annual personal financial statement.



# Exceptions continued

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5. Transportation, Lodging & Meals  
(See Honorarium)
6. Services to a First Responder
7. Gifts to State Agencies
8. Benefits from External Sources  
Because of an Agency Approved  
Collaborative Effort
9. De Minimus Items



# Fraud, Waste and Abuse

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If you suspect fraudulent and or other illegal activities, you should report those activities to your supervisor or the Texas State Auditor through the hotline:

<https://sao.fraud.texas.gov/Hotline.aspx>



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# QUESTION

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You are a member of a licensing board. A friend of yours is running for the Texas House of Representatives. She asks you to be her campaign treasurer. May you accept?

May you use board stationary at your own expense to write letters of support for her candidacy?



# Unauthorized Use of Government Time, Property and Facilities

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Because state resources are intended to support agency business, you are generally forbidden from using government time, property, facilities or equipment for purposes other than official business.



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# Contact Info:



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**HHS Employee Anonymous**  
**Helpline: 512-424-6630**

**Request Training/E-mail**  
**Helpline:**  
[http://hhscx.hhsc.state.tx.us  
/legal/ethics/training/reque  
st-training.shtml](http://hhscx.hhsc.state.tx.us/legal/ethics/training/request-training.shtml)

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## Questions?