
TEXAS REGISTER

Volume 48 Number 30

July 28, 2023

Pages 4031 - 4224



TEXAS REGISTER

a section of the
Office of the Secretary of State
P.O. Box 12887
Austin, Texas 78711
(512) 463-5561
FAX (512) 463-5569

<https://www.sos.texas.gov>
register@sos.texas.gov

Texas Register, (ISSN 0362-4781, USPS 12-0090), is published weekly (52 times per year) for \$340.00 (\$502.00 for first class mail delivery) by Matthew Bender & Co., Inc., 3 Lear Jet Lane Suite 104, P. O. Box 1710, Latham, NY 12110.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director.

The *Texas Register* is published under the Government Code, Title 10, Chapter 2002. Periodicals Postage Paid at Easton, MD and at additional mailing offices.

POSTMASTER: Send address changes to the *Texas Register*, 4810 Williamsburg Road, Unit 2, Hurlock, MD 21643.

Secretary of State - Jane Nelson

Director - Je T'aime Swindell

Editor-in-Chief - Jill S. Ledbetter

Editors

Leti Benavides

Jay Davidson

Brandy M. Hammack

Belinda Kirk

Laura Levack

Joy L. Morgan

Matthew Muir

Breanna Mutschler

IN THIS ISSUE

GOVERNOR

Proclamation 41-3990.....4035

EMERGENCY RULES

TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

ELIGIBILITY

22 TAC §511.22.....4037
22 TAC §511.52.....4038
22 TAC §511.53.....4038
22 TAC §511.54.....4039
22 TAC §511.56.....4040
22 TAC §511.57.....4041
22 TAC §511.58.....4043
22 TAC §511.59.....4044
22 TAC §511.60.....4044
22 TAC §511.122.....4046
22 TAC §511.161.....4047
22 TAC §511.164.....4048

PROVISIONS FOR THE FIFTH-YEAR ACCOUNTING STUDENTS SCHOLARSHIP PROGRAM

22 TAC §520.1.....4049
22 TAC §520.3.....4049
22 TAC §520.4.....4050
22 TAC §520.5.....4051

PROPOSED RULES

TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

ELIGIBILITY

22 TAC §511.22.....4053
22 TAC §511.52.....4054
22 TAC §511.53.....4056
22 TAC §511.54.....4057
22 TAC §511.56.....4058
22 TAC §511.57.....4060
22 TAC §511.58.....4062
22 TAC §511.59.....4064
22 TAC §511.60.....4065
22 TAC §511.73.....4067
22 TAC §511.80.....4068
22 TAC §511.83.....4070
22 TAC §511.122.....4071
22 TAC §511.161.....4073

22 TAC §511.164.....4074

PROVISIONS FOR THE FIFTH-YEAR ACCOUNTING STUDENTS SCHOLARSHIP PROGRAM

22 TAC §520.1.....4075
22 TAC §520.3.....4076
22 TAC §520.4.....4078
22 TAC §520.5.....4079

FEE SCHEDULE

22 TAC §521.14.....4080

TEXAS MEDICAL DISCLOSURE PANEL

INFORMED CONSENT

25 TAC §§601.1 - 601.94083

GENERAL

25 TAC §601.1, §601.2.....4083

PROCEDURE REQUIRING FULL DISCLOSURE OF SPECIFIC RISKS AND HAZARDS--LIST A

25 TAC §§602.1 - 602.224085

PROCEDURES REQUIRING NO DISCLOSURE OF SPECIFIC RISKS AND HAZARDS--LIST B

25 TAC §§603.1 - 603.214109

DISCLOSURE FORMS

25 TAC §§604.1 - 604.54113

TEXAS VETERANS COMMISSION

FUND FOR VETERANS' ASSISTANCE PROGRAM

40 TAC §460.18.....4116

ADOPTED RULES

HEALTH AND HUMAN SERVICES COMMISSION

NURSING FACILITY REQUIREMENTS FOR LICENSURE AND MEDICAID CERTIFICATION

26 TAC §554.2312.....4119

TEXAS PARKS AND WILDLIFE DEPARTMENT

FINANCE

31 TAC §§53.4 - 53.6, 53.184120

31 TAC §53.60.....4120

FISHERIES

31 TAC §57.984.....4121

WILDLIFE

31 TAC §§65.7, 65.8, 65.10.....4122

31 TAC §65.42, §65.47.....4122

31 TAC §§65.314 - 65.3204123

TEXAS MUNICIPAL RETIREMENT SYSTEM

MISCELLANEOUS RULES	
34 TAC §§127.1 - 127.4, 127.6 - 127.10	4125
34 TAC §§127.1, 127.3 - 127.13	4125
TRANSFERRED RULES	
Texas Department of Insurance	
Rule Transfer.....	4127
RULE REVIEW	
Proposed Rule Reviews	
Texas Commission on Environmental Quality	4135
Adopted Rule Reviews	
Texas Education Agency.....	4136
Texas Juvenile Justice Department	4137
TABLES AND GRAPHICS	
.....	4139
IN ADDITION	
Comptroller of Public Accounts	
Certification of the Average Closing Price of Gas and Oil - June 2023	4173
Office of Consumer Credit Commissioner	
Notice of Rate Ceilings.....	4173
Office of Court Administration	
Public Notice of Court Costs and Fees 2023	4173
Credit Union Department	
Application to Amend Articles of Incorporation	4174
Notice of Final Action Taken.....	4175
Notice of Final Action Taken.....	4175
Texas Commission on Environmental Quality	
Agreed Orders.....	4175
Combined Notice of Public Meeting and notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016297001	4177
Enforcement Orders	4178
Enforcement Orders	4180

Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions	4182
Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions	4182
Notice of Public Meeting Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 171636.....	4183
Notice of Public Meeting Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 172213.....	4184
Notice of Receipt of Application and Intent to Obtain Municipal Solid Waste Permit	4184
General Land Office	
Correction of Error.....	4185
Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program	4186
Official Notice to Vessel Owner/Operator	4187
Texas Department of Insurance	
Company Licensing	4187
Texas Lottery Commission	
Scratch Ticket Game Number 2519 "\$5,000 WINNINGS"	4188
Scratch Ticket Game Number 2520 "\$200,000 WINNINGS"	4192
Scratch Ticket Game Number 2521 "\$500,000 WINNINGS"	4198
Scratch Ticket Game Number 2522 "\$1,000,000 WINNINGS"	4205
Scratch Ticket Game Number 2529 "\$100 GRAND"	4212
Public Utility Commission of Texas	
Notice of Application for Designation as an Eligible Telecommunications Carrier	4219
Notice of Application to Adjust High Cost Support Under 16 TAC §26.407(h).....	4219
Notice of Application to Adjust High Cost Support Under 16 TAC §26.407(h).....	4219
Notice of Application to Relinquish Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider.....	4219
Supreme Court of Texas	
Preliminary Approval of Amendments to Texas Rules of Civil Procedure 221, 222, 225, and 504.2.....	4220

THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Proclamation 41-3990

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the power of impeachment is vested in the Texas House of Representatives by Article XV, Section 1 of the Texas Constitution; and

WHEREAS, on May 27, 2023, the Texas House of Representatives adopted House Resolution No. 2377 to prefer articles of impeachment against Warren Kenneth Paxton Jr., Attorney General of Texas; and

WHEREAS, on May 29, 2023, a certified copy of such articles of impeachment was delivered to the Texas Senate, where impeachment of the Attorney General shall be tried in due course pursuant to Article XV, Section 2 of the Texas Constitution; and

WHEREAS, a vacancy in the office of Attorney General was thus created by operation of Article XV, Section 5 of the Texas Constitution, which dictates that all officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office during the pendency of such impeachment; and

WHEREAS, on May 31, 2023, I made a provisional appointment of John Scott to serve as Attorney General under Article XV, Section 5 of the Texas Constitution; and

WHEREAS, with gratitude for his service, I have accepted John Scott's resignation from that short-term position, effective at 10:00 a.m. on July 14, 2023, which creates a vacancy in the office of Attorney General;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the authority vested in me by Article XV, Section 5 of the Texas Constitution, do hereby make a provisional appointment of Angela Colmenero to serve as Attorney General, effective from 10:00 a.m. on July 14, 2023 until the decision on the impeachment.

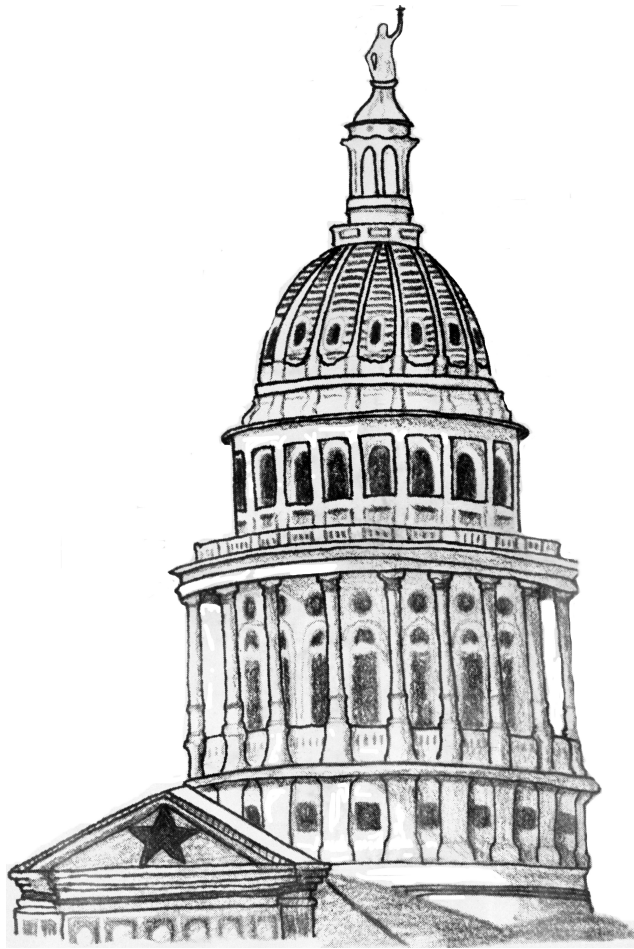
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 13th day of July, 2023.

Greg Abbott, Governor

TRD-202302557





EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 22. EXAMINING BOARDS

PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 511. ELIGIBILITY

SUBCHAPTER B. CERTIFICATION BY EXAMINATION

22 TAC §511.22

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.22, concerning Initial Filing of the Application of Intent.

Reasoned Justification

The Public Accountancy Act is changing effective September 1, 2023. The Act, as amended, will permit CPA candidates to take the CPA exam with 120 semester hours of college course work. The Act currently requires 150 semester hours. There may be candidates with applications pending with the Board that may choose to withdraw their current application so that they would be eligible to take the exam on or after September 1, 2023 once the 120 semester hours is in effect. For those candidates that choose to do so, the \$20.00 application fee will be waived since they have already included the fee in their current application.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.22. *Initial Filing of the Application of Intent.*

(a) The initial filing of the application of intent shall be made on forms prescribed by the board and shall also be in compliance with board rules and with all applicable laws. The application of intent may be submitted at any time and will be used to determine compliance and eligibility for an applicant to take the UCPAE. The application of intent will remain active until:

- (1) an applicant takes at least one section of the UCPAE within two years from the date of submission of the application; or
- (2) the second anniversary of the submission of the application has lapsed.

(b) Each applicant who submits an application of intent to determine eligibility for the UCPAE must pay a nonrefundable filing fee in accordance with §521.12 of this title (relating to Filing Fee). The filing fee shall be applied towards a reapplication of intent to determine eligibility for the UCPAE for those applicants applying prior to September 1, 2023 and reapplying following that date in order to qualify to take the UCPAE with 120 hours of acceptable coursework. An

application of intent not accompanied by the proper fee or required documents shall not be considered complete. The withholding of information, a misrepresentation, or any untrue statement on the application or supplemental documents will be cause for rejection of the application.

(c) Each applicant must provide official educational documents to be used in determining compliance with the applicable education requirements of the Act.

(d) Each applicant must comply with the board's fingerprinting process that accesses the Federal Bureau of Investigation (FBI) database and the Texas Department of Public Safety-Crime Records division files. This is necessary to ensure an applicant to take the uniform CPA examination or to receive a certificate lacks a history of dishonest or felonious acts and the board is aware of any criminal activity that might be relevant to the applicant's qualifications to take the UCPAE.

(e) Each applicant will be notified when all requirements have been met to apply to take the UCPAE, and with the notification, an examination application will be made available to the applicant.

(f) Each applicant must provide a copy of the following documents:

(1) Unexpired driver's license issued by a state of the United States provided it contains a photograph and information such as name, date of birth, sex, height, eye color, and address; or an unexpired United States passport; and

(2) social security card. Such information shall be considered confidential and can only be disclosed under the provisions of the Act.

(g) Applicants who are citizens of a foreign country and who cannot meet the requirements of subsection (f) of this section shall comply by providing evidence of a non-expired F-1 Visa issued to students attending a university or college. The board may consider an F-1 Visa with a Certificate of Eligibility for Nonimmigrant Student Status. Form I-20 shall be approved by the designated school official at the educational institution where the applicant is currently attending.

(h) Applicants who cannot meet the requirements of subsection (f) or (g) of this section may be eligible to take the UCPAE by providing evidence of both identity and employment authorization by submitting a copy of one of the following unexpired documents:

(1) An Alien Registration Receipt Card or Permanent Resident Card (Form I-551); or

(2) A foreign passport that contains a temporary I-551 stamp, or temporary I-551 printed notation on a machine-readable immigrant visa; or

(3) An Employment Authorization Document which contains a photograph (Form I-766).

(i) Applicants who do not have or do not submit a social security card will be required to pay an additional fee to NASBA each time

they make application for the UCPAE to verify their legal entry into the U.S.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302514

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



SUBCHAPTER C. EDUCATIONAL REQUIREMENTS

22 TAC §511.52

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.52 concerning Recognized Institutions of Higher Education.

Reasoned Justification

Some semester hour course work may not be accepted by the Board to support an application to take the CPA exam. The Board is the authority in making that decision with advice from the University of Texas at Austin. The rule identifies four organizations and assessment methods that the Board will not accept as support to constitute the education necessary for a candidate to sit for the CPA exam.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.52. *Recognized Institutions of Higher Education.*

(a) The board recognizes institutions of higher education that offer a baccalaureate or higher degree, that either:

(1) are accredited by one of the following organizations:

(A) Middle States Commission on Higher Education (MSCHE);

(B) Northwest Commission on Colleges and Universities (NWCCU);

(C) Higher Learning Commission (HLC);

(D) New England Commission of Higher Education (NECHE);

(E) Southern Association of Colleges and Schools, Commission on Colleges (SACS); and

(F) WASC Senior College and University Commission;

or

(2) provide evidence of meeting equivalent accreditation requirements of SACS.

(b) The board is the final authority regarding the evaluation of an applicant's education and has received assistance from the reporting institution in the State of Texas, the University of Texas at Austin, in evaluating:

(1) an institution of higher education;

(2) organizations that award credits for coursework taken outside of a traditional academic environment and shown on a transcript from an institution of higher education;

(3) assessment methods such as credit by examination, challenge exams, portfolio assessment; and

(4) non-college education and training.

(c) The following organizations and assessment methods may not be used to meet the requirements of this chapter:

(1) American Council on Education (ACE);

(2) Prior Learning Assessment (PLA);

(3) Defense Activity for Non-Traditional Education Support (DANTES); and

(4) Defense Subject Standardized Test (DSST).

~~[(b) The board may receive assistance from the reporting institution in the State of Texas in evaluating an institution of higher education.]~~

~~(d) [(e)]~~ The board may accept courses completed through an extension school, a correspondence school or continuing education program provided that the courses are offered and accepted by the board approved educational institution for a business baccalaureate or higher degree conferred by that educational institution.

~~(e) [(f)]~~ Except as provided in subsection ~~(d) [(e)]~~ of this section, extension and correspondence schools or programs and continuing education courses do not meet the criteria for recognized institutions of higher education.

~~(f) [(g)]~~ The requirements related to recognized community colleges are provided in §511.54 of this chapter (relating to Recognized Texas Community Colleges).

~~(g) [(h)]~~ The board may recognize a community college that offers a baccalaureate degree in accounting or business, provided that the applicant is admitted to a graduate program in accounting or business offered at a recognized institution of higher education that offers a graduate or higher degree.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302515

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §511.53

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.53 concerning Evaluation of International Education Documents.

Reasoned Justification

The proposed rule addresses a revision to the Public Accountancy Act that lowers the number of college level courses needed to be eligible to take the CPA exam. The Board is attempting to get the rule adopted in time for the effective date of the Act's revision.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.53. Evaluation of International Education Documents.

(a) It is the responsibility of the board to confirm that education obtained at colleges and universities outside of the United States (international education) is equivalent to education earned at board-recognized institutions of higher education in the U.S.

(b) The board shall use, at the expense of the applicant, the services of the University of Texas at Austin, Graduate and International Admissions Center, to validate, review, and evaluate international education documents submitted by an applicant to determine if the courses taken and degrees earned are substantially equivalent to those offered by the board-recognized institutions of higher education located in the U.S. The evaluation shall provide the following information to the board:

(1) Degrees earned by the applicant that are substantially equivalent to those conferred by a board-recognized institution of higher education in the U.S. that meets §511.52 of this chapter (relating to Recognized Institutions of Higher Education);

(2) The total number of semester hours or quarter hour equivalents earned that are substantially equivalent to those earned at U.S. institutions of higher education and that meet §511.59 of this chapter (relating to Definition of 120 [~~150~~] Semester Hours to take the UCPAE);

(3) The total number of semester hours or quarter hour equivalents earned in accounting coursework that meets §511.57 of this chapter (relating to Qualified Accounting Courses to take the UCPAE) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE);

(4) An analysis of the title and content of courses taken that are substantially equivalent to courses listed in §511.57 or §511.60 of this chapter; and

(5) The total number of semester hours or quarter hour equivalents earned in business coursework that meets §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE [~~and Ethics Courses~~]).

(c) The University of Texas at Austin, Graduate and International Admissions Center, may use the American Association of Collegiate Registrars and Admissions Officers (AACRAO) material, including the Electronic Database for Global Education (EDGE), in evaluating international education documents.

(d) Other evaluation or credentialing services of international education are not accepted by the board.

(e) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution

of higher education may not be used to meet the requirements of this chapter:

(1) American College Education (ACE);

(2) Prior Learning Assessment (PLA);

(3) Defense Activity for Non-Traditional Education Support (DANTES); and

(4) Defense Subject Standardized Test (DSST).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302516

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §511.54

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.54 concerning Recognized Texas Community Colleges.

Reasoned Justification

The Public Accountancy is being revised to permit CPA candidates to take the CPA exam with 120 semester hours of college course work. This rule is being revised to effect the statutory change so that the number of upper level accounting courses required to take the exam will be reduced from 30 semester hours to 21 semester hours effective September 1, 2023.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code

§511.54. Recognized Texas Community Colleges.

(a) An applicant who has completed a baccalaureate or higher degree from a board recognized institution of higher education based on the requirements of §511.52 of this chapter (relating to Recognized Institutions of Higher Education), may enter into a course of study at a board recognized Texas community college to complete the educational requirements of §§511.57, 511.58, and 511.60 of this chapter (relating to Qualified Accounting Courses to take the UCPAE, Definitions of Related Business Subjects to take the UCPAE [~~and Ethics Courses~~], and Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE).

(b) The board recognizes and accepts Texas community colleges that meet board standards for a comprehensive academic program based on the educational requirements of §§511.57, 511.58, and 511.60 of this chapter.

(c) Effective August 1, 2015, the standards include at a minimum all, but are not limited to, the following:

(1) The Texas community college must be accredited by SACS.

(2) Academic accounting and business courses recognized as meeting §§511.57, 511.58, and 511.60 of this chapter are deemed by the board as equivalent to upper level coursework at an institution of higher education and must contain a rigorous curriculum that is similar to courses offered in a baccalaureate degree program at a university. Accounting, business, and ethics courses must be developed by a group of full time accounting faculty members and approved by the board prior to offering to students. Modifications to an approved course must be reconsidered by the board prior to offering to students.

(3) Academic courses meeting §§511.57, 511.58, and 511.60 of this chapter must be taken after completing a baccalaureate degree.

(4) The Texas community college must offer no fewer than:

(A) 27 [~~30~~] semester hours of academic accounting courses meeting §511.57 or §511.60 of this chapter;

(B) 24 semester hours of academic business courses meeting §511.58 of this chapter; and

(C) a board-approved three semester hour ethics course meeting §511.164 [~~§511.58~~] of this chapter (relating to Definition of 150 Semester Hours to Qualify for Issuance of a Certificate).

(5) The Texas community college designates an accounting faculty member(s) who is responsible for:

(A) managing the comprehensive academic program at all campuses;

(B) selecting and training qualified faculty members to teach the program courses and regularly evaluating their effectiveness in the classroom;

(C) establishing and maintaining a rigorous program curriculum;

(D) establishing and maintaining a process for advising and guiding students through the program; and

(E) providing annual updates to the board on the status of the academic program.

(6) Faculty members at a community college recognized and accepted by the board must have the following credentials to teach academic courses meeting §§511.57, 511.58, and 511.60 of this chapter:

(A) Doctorate or master's degree in the teaching discipline; or

(B) Master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

(7) At least three-fourths of the faculty members who are responsible to teach academic courses meeting §511.57 or §511.60 of this chapter must hold a current CPA license.

(8) Faculty members will comply with the established educational definitions in §511.51 of this chapter (relating to Educational Definitions).

(9) The Texas community college will provide ongoing professional development for its faculty as teachers, scholars, and CPA practitioners.

(10) The Texas community college will make available to students a resource library containing current online authoritative liter-

ature to support the academic courses meeting §§511.57, 511.58, and 511.60 of this chapter, and will incorporate the online authoritative literature in accounting courses.

(d) A community college recognized and accepted by the board under this provision must be reconsidered by the board on the fifth-year anniversary of the approval. Information brought to the attention of the board by a student or faculty member of the Texas community college that indicates non-compliance with the standards may cause the board to accelerate reconsideration.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302517

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §511.56

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.56 concerning Educational Qualifications under the Act.

Reasoned Justification

One major effect of this rule revision is to allow candidates to take the CPA exam with 21 upper level accounting semester hours. The three semester hour ethics course is being eliminated from eligibility to take the exam. This allows candidates to take the exam earlier than the current law allows. The three semester hour ethics course will be required prior to certification.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.56. Educational Qualifications under the Act to take the UC-PAE.

(a) An applicant for the UCPAE under the current Act shall meet the following educational requirements at the time of filing the initial application to take the examination and in order to qualify to take the examination:

(1) hold a baccalaureate or graduate degree conferred by an institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) recognized by the board; and

(2) complete no fewer than 120 [~~150~~] semester hours or quarter-hour equivalents of courses, as defined by §511.59 of this chapter (relating to Definition of 120 [~~150~~] Semester Hours to take the UC-PAE) and consisting of:

(A) no fewer than 21 [~~30~~] semester hours or quarter-hour equivalents of upper level accounting courses as defined by §511.57 of this chapter (relating to Qualified Accounting Courses to

take the UCPAE) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE); and

(B) no fewer than 24 semester hours or quarter-hour equivalents of upper level related business courses, as defined by §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE), [and Ethics Courses]; and]

~~[(C) a 3-semester-hour board-approved ethics course as defined by §511.58 of this chapter.]~~

(b) An applicant for the UCPAE who met the educational requirements of the Act that were in effect at the time of taking the initial examination shall continue to be examined under those requirements unless the applicant chooses to meet the current education requirements of the Act.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302518

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §511.57

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.57 concerning Qualified Accounting Courses.

Reasoned Justification

With the proposed revision to the Public Accountancy Act permitting a candidate to sit for the exam at 120 semester hours, the number of upper level accounting courses is being reduced to 21 semester hours of course work. With the reduction of upper level accounting course work, the number of hours in the separate disciplines is correspondingly being reduced to implement the revisions to the Act.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.57. *Qualified Accounting Courses to take the UCPAE.*

(a) An applicant shall meet the board's accounting course requirements in one of the following ways:

(1) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) and present official transcript(s) from board-recognized institution(s) that show degree credit for no fewer than 21 [30] semester credit hours of upper division accounting courses as defined in subsections (e), (f) and (g) of this section; or

(2) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this

chapter, and after obtaining the degree, complete the requisite 21 [30] semester credit hours of upper division accounting courses, as defined in subsections (e), (f) and (g) of this section, from four-year degree granting institutions, or accredited community colleges, provided that all such institutions are recognized by the board as defined by §511.52 or §511.54 of this chapter (relating to Recognized Texas Community Colleges).

(b) Credit for hours taken at board-recognized institutions of higher education using the quarter system shall be counted as 2/3 of a semester credit hour for each hour of credit received under the quarter system.

(c) The board will accept no fewer than 21 [30] semester credit hours of accounting courses from the courses listed in subsections (e), (f) and (g) of this section. The hours from a course that has been repeated will be counted only once toward the required 21 [30] semester hours. The courses must meet the board's standards by containing sufficient accounting knowledge and application to be useful to candidates taking the UCPAE. A board-recognized institution of higher education must have accepted the courses for purposes of obtaining a baccalaureate or higher degree or its equivalent, and they must be shown on an official transcript.

(d) Upper level accounting coursework recognized by the board and in effect prior to January 1, 2024, may be found in §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE).

(e) Effective January 1, 2024, the subject-matter content should be derived from the UCPAE Blueprint. A minimum of 12 [15] semester hours with at least three semester hours in each of the following accounting course content area is required:

(1) financial accounting and reporting for business organizations that may include:

- (A) intermediate accounting;
- (B) advanced accounting; and
- (C) accounting theory;

(2) financial statement auditing;

(3) taxation; and

(4) accounting information systems.

(f) Effective January 1, 2024, a minimum of 9 [15] hours in any of the following accounting course content area is required:

(1) managerial or cost accounting (excluding introductory level courses);

(2) auditing and attestation services;

(3) internal accounting control and risk assessment;

(4) financial statement analysis;

(5) accounting research and analysis;

(6) up to 9 semester credit hours of taxation (including tax research and analysis);

(7) financial accounting and reporting for governmental and/or other nonprofit entities;

(8) up to 9 semester credit hours of accounting information systems, including management information systems ("MIS"), provided the MIS courses are listed or cross-listed as accounting courses, and the institution of higher education accepts these courses

as satisfying the accounting course requirements for graduation with a degree in accounting;

(9) up to 9 [12] semester credit hours of accounting data analytics, provided the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting; business data analytics may be considered provided the courses are listed or cross-listed as accounting courses, and the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting; (while data analytics tools may be taught in the courses, application of the tools should be the primary objective of the courses);

- (10) fraud examination;
- (11) international accounting and financial reporting;
- (12) mergers and acquisitions;
- (13) financial planning;

~~[(14) an accounting internship program (not to exceed 3 semester credit hours) which meets the following requirements:]~~

~~[(A) the accounting knowledge gained is equal to or greater than the knowledge gained in a traditional accounting classroom setting;]~~

~~[(B) the employing firm provides the faculty coordinator and the student with the objectives to be met during the internship;]~~

~~[(C) the internship plan is approved in advance by the faculty coordinator;]~~

~~[(D) the employing firm provides significant accounting work experience with adequate training and supervision of the work performed by the student;]~~

~~[(E) the employing firm provides the student with training, supervision, periodic feedback and a final evaluation at the conclusion of the internship, provides a letter describing the duties performed and the supervision to the student, and provides a copy of the documentation to the faculty coordinator and the student;]~~

~~[(F) the student keeps a diary comprising a chronological list of all work experience gained in the internship;]~~

~~[(G) the student writes a paper demonstrating the knowledge gained in the internship;]~~

~~[(H) the student and/or faculty coordinator provides evidence of all items upon request by the board; and]~~

~~[(I) the internship course shall not be taken until a minimum of 12 semester credit hours of upper division accounting course work has been completed;]~~

(14) [(15)] at its discretion, the board may accept up to three semester hours of credit of accounting course work with substantial merit in the context of a career in public accounting, provided the course work is predominantly accounting or auditing in nature but not included in paragraphs (1) - (13) of this subsection. For any course submitted under this provision, the Accounting Faculty Head or Chair must affirm to the board in writing the course's merit and content; and

(15) [(16)] at its discretion, the board may accept up to three semester credit hours of independent study in accounting selected or designed by the student under faculty supervision. The curriculum for the course shall not repeat the curriculum of another accounting course that the student has completed.

(g) The board requires that a minimum of two semester credit hours in research and analysis relevant to the course content described in subsection (f) of this section be completed. The semester credit hours may be obtained through a standalone course or offered through an integrated approach. If the course content is offered through integration, the institution of higher education must advise the board of the course(s) that contain the research and analysis content. The course may be used toward the 9 [15] semester credit hours of upper level accounting courses identified in subsection (f)(5) of this section.

(h) The following types of introductory courses do not meet the accounting course definition in subsections (e) and (f) of this section:

- (1) elementary accounting;
- (2) principles of accounting;
- (3) financial and managerial accounting;
- (4) introductory accounting courses; and
- (5) accounting software courses.

(i) Any CPA review course offered by an institution of higher education or a proprietary organization shall not be used to meet the accounting course definition.

(j) CPE courses shall not be used to meet the accounting course definition.

(k) An ethics course required in §511.58(d) of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses]) shall not be used to meet the accounting course definition in subsections (e) and (f) of this section.

(l) Accounting courses completed through an extension school of a board recognized educational institution may be accepted by the board provided that the courses are accepted for a business baccalaureate or higher degree conferred by that educational institution.

(m) The board may review the content of accounting courses and determine if they meet the requirements of this section.

(n) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:

- (1) American College Education (ACE);
- (2) Prior Learning Assessment (PLA);
- (3) Defense Activity for Non-Traditional Education Support (DANTES); and
- (4) Defense Subject Standardized Test (DSST).

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302519

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §511.58

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.58 concerning Definitions of Related Business Subjects and Ethics Courses.

Reasoned Justification

As a result of the proposed revisions to the Public Accountancy Act, an ethics course is no longer being required prior to taking the exam at 120 hours and is being relocated to Board Rule 511.161. The proposed revision also identifies certain organizations and assessment methods that will not be accepted by the Board to qualify a candidate to sit for the exam.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.58. Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses].

(a) Related business courses are those business courses that a board recognized institution of higher education accepts for a business baccalaureate or higher degree by that educational institution.

(b) An individual who holds a baccalaureate or higher degree from a recognized educational institution as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) may take related business courses from four-year degree granting institutions, or recognized community colleges, provided that all such institutions are recognized by the board as defined by §511.52 or §511.54 of this chapter (relating to Recognized Texas Community Colleges). Related business courses taken at a recognized community college are only the courses that the board has reviewed and approved to meet this section.

(c) The board will accept no fewer than 24 semester credit hours of upper level courses (for the purposes of this subsection, economics and statistics at any college level will count as upper division courses) as related business subjects (without repeat), taken at a recognized educational institution shown on official transcripts or accepted by a recognized educational institution for purposes of obtaining a baccalaureate degree or its equivalent, in the following areas.

(1) No more than 6 credit semester hours taken in any of the following subject areas may be used to meet the minimum hour requirement:

- (A) business law, including study of the Uniform Commercial Code;
- (B) economics;
- (C) management;
- (D) marketing;
- (E) business communications;
- (F) statistics and quantitative methods;
- (G) information systems or technology; and
- (H) other areas related to accounting.

(2) No more than 9 credit semester hours taken in any of the following subject areas may be used to meet the minimum hour requirement:

- (A) finance and financial planning; and

(B) data analytics, data interrogation techniques, cyber security and/or digital acumen in the accounting context, whether taken in the business school or in another college or university program, such as the engineering, computer science, information systems, or math programs (while data analytic tools may be used in the course, application of the tools should be the primary objective of the course.

~~[(d) In addition to the 24 hours required in subsection (e) of this section, the board requires that 3 passing semester hours be earned as a result of taking a standalone course in accounting or business ethics. The course must be taken at a recognized educational institution and should provide students with a framework of ethical reasoning, professional values, and attitudes for exercising professional skepticism and other behavior in the best interest of the public and profession. The ethics course shall:]~~

~~[(1) include the ethics rules of the AICPA, the SEC, and the board;]~~

~~[(2) provide a foundation for ethical reasoning, including the core values of integrity, objectivity, and independence; and]~~

~~[(3) be taught by an instructor who has not been disciplined by the board for a violation of the board's rules of professional conduct, unless that violation has been waived by the board.]~~

~~(d) [(e)]~~ The board requires that a minimum of 2 upper level semester credit hours in accounting communications or business communications with an intensive writing curriculum be completed. The semester hours may be obtained through a standalone course or offered through an integrated approach. If the course content is offered through integration, the university must advise the board of the course(s) that contain the accounting communications or business communications content. The course may be used toward the 24 semester credit hours of upper level business courses listed in subsection (c)(1) of this section.

~~(e) [(f)]~~ Credit for hours taken at recognized institutions of higher education using the quarter system shall be counted as 2/3 of a semester hour for each hour of credit received under the quarter system.

~~(f) [(g)]~~ Related business courses completed through and offered by an extension school, correspondence school, or continuing education program of a board recognized educational institution may be accepted by the board, provided that the courses are accepted for a business baccalaureate or higher degree conferred by that educational institution.

~~(g) [(h)]~~ The board may review the content of business and ethics courses and determine if they meet the requirements of this section.

~~(h) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:~~

- ~~(1) American College Education (ACE);~~
- ~~(2) Prior Learning Assessment (PLA);~~
- ~~(3) Defense Activity for Non-Traditional Education Support (DANTES); and~~
- ~~(4) Defense Subject Standardized Test (DSST).~~

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302520

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §511.59

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.59 concerning Definition of 150 Semester Hours.

Reasoned Justification

The proposed rules implement the proposed revisions to the Public Accountancy Act to permit the CPA candidate to sit for the exam with 120 semester hours of college course work. The number of upper level accounting courses is reduced to 21, the 3 hours of ethics is relocated to Board Rule 511.161, the credit hours of undergraduate or graduate independent study and/or internship courses is relocated to Board Rule 511.164, and the proposed revision also identifies certain organizations and assessment methods that will not be accepted by the Board to qualify a candidate to sit for the exam.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.59. Definition of 120 [150] Semester Hours to take the UCPAE.

(a) To be eligible to take the UCPAE, an applicant must hold at a minimum a baccalaureate degree, conferred by a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education), and have completed the board-recognized coursework identified in this section:

(1) no fewer than 21 [30] semester hours or quarter-hour equivalents of upper level accounting courses as defined by §511.57 of this chapter (relating to Qualified Accounting Courses) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE);

(2) no fewer than 24 semester hours or quarter-hour equivalents of upper level related business courses, as defined by §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses]); and

~~[(3) a 3-semester-hour board-approved ethics course as defined by §511.58 of this chapter; and]~~

(3) ~~[(4)]~~ academic coursework at an institution of higher education as defined by §511.52 of this chapter, when combined with paragraphs (1) and (2) ~~[- (3)]~~ of this subsection meets or exceeds 120 [150] semester hours. ~~[A maximum of 9 total semester credit hours of undergraduate or graduate independent study courses and/or internships, as defined in §511.51(b)(4) or §511.51(b)(5) of this chapter (relating to Educational Definitions) respectively, may be considered as academic coursework to meet this paragraph. Of the 9 total semester credit hours of undergraduate or graduate independent study and/or internships courses, a maximum of 3 semester credit hours may apply~~

to accounting content subject to paragraph (1) of this subsection and a maximum of 3 semester credit hours may apply to business courses subject to paragraph (2) of this subsection. Semester credit hours may not be applied to both accounting content as found in paragraph (1) of this subsection and business courses as found in paragraph (2) of this subsection concurrently.]

(b) An individual holding a baccalaureate degree conferred by a board-recognized institution of higher education, as defined by §511.52 of this chapter, and who has not completed the requirements of this section shall meet the requirements by taking coursework in one of the following ways:

(1) complete upper level or graduate courses at a board recognized institution of higher education as defined in §511.52 of this chapter that meets the requirements of subsection (a)(1) and (2) ~~[- (3)]~~ of this section; or

(2) enroll in a board recognized community college as defined in §511.54 of this chapter (relating to Recognized Texas Community Colleges) and complete board approved accounting or business courses that meet the requirements of subsection (a)(1) and (2) ~~[- (3)]~~ of this section. Only specified accounting and business courses that are approved by the board will be accepted as not all courses offered at a community college are accepted.

(c) The following courses, courses of study, certificates, and programs may not be used to meet the 120-semester [150-semester] hour requirement:

(1) any CPA review course offered by an institution of higher education or a proprietary organization; ~~[and]~~

(2) remedial or developmental courses offered at an educational institution; ~~and[.]~~

(3) credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:

(A) American College Education (ACE);

(B) Prior Learning Assessment (PLA);

(C) Defense Activity for Non-Traditional Education Support (DANTES); and

(D) Defense Subject Standardized Test (DSST).

(d) The hours from a course that has been repeated will be counted only once toward the required 120 [150] semester hours.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302521

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §511.60

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.60 concerning Qualified Accounting Courses Prior to January 1, 2024.

Reasoned Justification

The proposed rules implement the proposed revisions to the Public Accountancy Act to permit the CPA candidate to sit for the exam with 120 semester hours of college course work. The number of upper level accounting courses is reduced to 21, the 3 hours of ethics is relocated to Board Rule 511.161 and the proposed revision also identifies certain organizations and assessment methods that will not be accepted by the Board to qualify a candidate to sit for the exam.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.60. Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE.

(a) An applicant shall meet the board's accounting course requirements in one of the following ways:

(1) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) and present valid transcript(s) from board-recognized institution(s) that show degree credit for no fewer than 21 [30] semester credit hours of upper division accounting courses as defined in subsection (e) of this section; or

(2) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this chapter, and after obtaining the degree, complete the requisite 21 [30] semester credit hours of upper division accounting courses, as defined in subsection (e) of this section, from four-year degree granting institutions, or accredited community colleges, provided that all such institutions are recognized by the board as defined by §511.52 of this chapter, and that the accounting programs offered at the community colleges are reviewed and accepted by the board.

(b) Credit for hours taken at board-recognized institutions of higher education using the quarter system shall be counted as 2/3 of a semester credit hour for each hour of credit received under the quarter system.

(c) The board will accept no fewer than 21 [30] semester credit hours of accounting courses from the courses listed in subsection (e)(1) - (14) [(15)] of this section. The hours from a course that has been repeated will be counted only once toward the required 21 [30] semester hours. The courses must meet the board's standards by containing sufficient business knowledge and application to be useful to candidates taking the UCPAE. A board-recognized institution of higher education must have accepted the courses for purposes of obtaining a baccalaureate degree or its equivalent, and they must be shown on an official transcript.

(d) A non-traditionally-delivered course meeting the requirements of this section must have been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

(e) The subject-matter content should be derived from the UC-PAE Blueprints and cover some or all of the following:

(1) financial accounting and reporting for business organizations that may include:

(A) up to nine semester credit hours of intermediate accounting;

(B) advanced accounting; or

(C) accounting theory;

(2) managerial or cost accounting (excluding introductory level courses);

(3) auditing and attestation services;

(4) internal accounting control and risk assessment;

(5) financial statement analysis;

(6) accounting research and analysis;

(7) up to 12 semester credit hours of taxation (including tax research and analysis);

(8) financial accounting and reporting for governmental and/or other nonprofit entities;

(9) up to 12 semester credit hours of accounting information systems, including management information systems ("MIS"), provided the MIS courses are listed or cross-listed as accounting courses, and the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting;

(10) up to 12 semester credit hours of accounting data analytics, provided the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting (while data analytics tools may be taught in the courses, application of the tools should be the primary objective of the courses);

(11) fraud examination;

(12) international accounting and financial reporting;

~~[(13) an accounting internship program (not to exceed three semester credit hours) which meets the following requirements:]~~

~~[(A) the accounting knowledge gained is equal to or greater than the knowledge gained in a traditional accounting classroom setting;]~~

~~[(B) the employing firm provides the faculty coordinator and the student with the objectives to be met during the internship;]~~

~~[(C) the internship plan is approved in advance by the faculty coordinator;]~~

~~[(D) the employing firm provides significant accounting work experience with adequate training and supervision of the work performed by the student;]~~

~~[(E) the employing firm provides an evaluation of the student at the conclusion of the internship, provides a letter describing the duties performed and the supervision to the student, and provides a copy of the documentation to the faculty coordinator and the student;]~~

~~[(F) the student keeps a diary comprising a chronological list of all work experience gained in the internship;]~~

~~[(G) the student writes a paper demonstrating the knowledge gained in the internship;]~~

~~[(H) the student and/or faculty coordinator provides evidence of all items upon request by the board;]~~

~~[(I) the internship course shall not be taken until a minimum of 12 semester credit hours of upper division accounting course work has been completed; and]~~

~~[(J) the internship course shall be the equivalent of a traditional course;]~~

(13) [(14)] at its discretion, the board may accept up to three semester credit hours of accounting course work with substantial merit in the context of a career in public accounting, provided the course work is predominantly accounting or auditing in nature but not included in paragraphs (1) - (12) of this subsection (for any course submitted under this provision, the Accounting Faculty Head or Chair must affirm to the board in writing the course's merit and content); and

(14) [(15)] at its discretion, the board may accept up to three semester credit hours of independent study in accounting selected or designed by the student under faculty supervision (the curriculum for the course shall not repeat the curriculum of another accounting course that the student has completed).

(f) The board requires that a minimum of two semester credit hours in research and analysis relevant to the course content described in subsection (e)(6) or (7) of this section be completed. The semester credit hours may be obtained through a discrete course or offered through an integrated approach. If the course content is offered through integration, the institution of higher education must advise the board of the course(s) that contain the research and analysis content.

(g) The following types of introductory courses do not meet the accounting course definition in subsection (e) of this section:

- (1) elementary accounting;
- (2) principles of accounting;
- (3) financial and managerial accounting;
- (4) introductory accounting courses; and
- (5) accounting software courses.

(h) Any CPA review course offered by an institution of higher education or a proprietary organization shall not be used to meet the accounting course definition.

(i) CPE courses shall not be used to meet the accounting course definition.

~~[(j) An ethics course required in §511.58(d) of this chapter (relating to Definitions of Related Business Subjects and Ethics Courses) shall not be used to meet the accounting course definition in subsection (e) of this section.]~~

(j) [(k)] Accounting courses completed through an extension school of a board recognized educational institution may be accepted by the board provided that the courses are accepted for a business baccalaureate or higher degree conferred by that educational institution.

(k) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:

- (1) American College Education (ACE);
- (2) Prior Learning Assessment (PLA);
- (3) Defense Activity for Non-Traditional Education Support (DANTES); and

(4) Defense Subject Standardized Test (DSST).

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302522

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



SUBCHAPTER F. EXPERIENCE REQUIREMENTS

22 TAC §511.122

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.122 concerning Acceptable Work Experience.

Reasoned Justification

The credit received for the internship programs will apply to satisfy the requirement for work experience.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.122. *Acceptable Work Experience.*

(a) Work experience shall be gained under the supervision of CPAs who are currently licensed and in good standing with this board or with another state board of accountancy as defined in §511.124 of this chapter (relating to Acceptable Supervision), and who is experienced in the non-routine accounting area assigned to the applicant.

(b) Non-routine accounting involves attest services as defined in §501.52(4) of this title (relating to Definitions), or professional accounting services or professional accounting work as defined in §501.52(22) of this title, and the use of independent judgment, applying professional accounting knowledge and skills to select, correct, organize, interpret, and present real-world data as accounting entries, reports, statements, and analyses extending over a diverse range of tax, accounting, assurance, and control situations.

(c) Acceptable work experience shall be gained in the following categories or in any combination of these:

(1) Client practice of public accountancy. All client practice of public accountancy experience shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and the applicant is supervised, evaluated and reviewed by a CPA who is currently licensed and in good standing in a properly licensed CPA firm that is in good standing with the firm's licensing board.

(2) Unlicensed business entity. Work experience gained in an unlicensed business entity shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and the applicant is supervised, evaluated

and reviewed by a CPA who is currently licensed and in good standing. Unlicensed business entity experience may include, but is not limited to:

- (A) providing management or financial advisory or consulting services;
- (B) preparing tax returns;
- (C) providing advice in tax matters;
- (D) providing forensic accounting services;
- (E) providing internal auditing services; and
- (F) business valuation services.

(3) Industry practice. All work experience gained in industry shall be internal to the organization and of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and may include: providing management or financial advisory internal services; preparing tax returns; providing advice in tax matters; providing forensic accounting services; and providing internal auditing services.

(A) Examples of industries may include, but are not limited to:

- (i) commercial business enterprise;
- (ii) non-profit/charitable organization;
- (iii) financial institution; and
- (iv) health care entity.

(B) Acceptable industry work experience positions may include, but are not limited to:

- (i) internal auditor;
- (ii) staff, senior, fund or tax accountant;
- (iii) accounting, financial or accounting systems analyst; and
- (iv) controller.

(4) Government practice. All work experience gained in government shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and which meets the criteria in subparagraphs (A) - (E) of this paragraph. The board will review on a case-by-case basis experience which does not clearly meet the criteria identified in subparagraphs (A) - (E) of this paragraph. Acceptable government work experience includes, but is not limited to:

- (A) employment in state government as an accountant or auditor at Salary Classification B14 or above, or a comparable rating;
- (B) employment in federal government as an accountant, auditor or IRS revenue agent;
- (C) employment as a special agent accountant with the Federal Bureau of Investigation or equivalent position at a governmental entity;
- (D) military service, as an accountant or auditor as a Second Lieutenant or above; and
- (E) employment with other governmental entities as an accountant or auditor.

(5) Law firm practice. All work experience gained in a law firm shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting

matters comparable to the experience ordinarily found in a CPA firm, shall be under the supervision of a CPA or an attorney, and shall be in one or more of the following areas:

- (A) tax-planning, compliance and litigation; and
 - (B) estate planning.
- (6) Education.

(A) Internal work experience gained at an educational institution shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and may include: providing management or financial advisory internal services; preparing tax returns; providing advice in tax matters; providing forensic accounting services; and providing internal auditing services without an opinion.

(B) Work experience gained as an instructor at an educational institution may qualify if evidence is presented showing independent thought and judgment was used on non-routine accounting matters. Only the teaching of upper division courses on a full-time basis may be considered. All experience shall be supervised by the department chair or a faculty member who is a CPA.

(7) Internship. The board will consider, on a case-by-case basis, experience acquired through an approved accounting internship program, provided that the experience was non-routine accounting as defined by subsection (b) of this section. ~~[If an accounting internship course is counted toward fulfilling the education requirement to take the UCPAE, the internship may not be used to fulfill the work experience requirement.]~~

(8) Other. Work experience gained in other positions may be approved by the board as experience comparable to that gained in the practice of public accountancy under the supervision of a CPA upon certification by the person or persons supervising the applicant that the experience was of a non-routine accounting nature which continually required independent thought and judgment on important accounting matters.

(9) Self-employment may not be used to satisfy the work experience requirement unless approved by the board.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302523

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



SUBCHAPTER H. CERTIFICATION

22 TAC §511.161

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §511.161 concerning Qualifications for Issuance of a Certificate.

Reasoned Justification

The Board has removed the 3 semester hours of an ethics course in order to take the UCPAE with 120 hours. The proposed rule revision makes it clear that the 3 hours of ethics course work is required in order to become licensed and certified.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.161. *Qualifications for Issuance of a Certificate.*

The certificate of a CPA shall be granted by the board to an applicant who qualifies under the current Act and has met the following qualifications:

- (1) successfully completed the UCPAE;
- (2) met the education requirements in §511.164 of this chapter (relating to Definition of 150 Semester Hours to Qualify for Issuance of a Certificate);
- (3) successfully completed a 3-semester hour board-approved ethics course as defined by §511.164 of this chapter;
- (4) [~~3~~] submitted an application prescribed by the board;
- (5) [~~4~~] submitted the requisite fee, set by the board, for issuance of the certificate;
- (6) [~~5~~] provided evidence of a lack of a history of dishonest or felonious acts or any criminal activity that might be relevant to the applicant's qualifications;
- (7) [~~6~~] completed the fingerprint process that accesses the Federal Bureau of Investigation (FBI) and the Texas Department of Public Safety - Crime records division files;
- (8) [~~7~~] submitted, on a form prescribed by the board, evidence of completion of the work experience requirements commensurate with the education requirements;
- (9) [~~8~~] executed an oath of office stating support of the Constitution of the United States and of this state and the laws thereof, and compliance with the board's Rules of Professional Conduct;
- (10) [~~9~~] an applicant who has completed a board-approved ethics course more than two years prior to the date of submitting an application for issuance of a CPA certificate must complete a board-approved four-hour ethics course of comprehensive study on the board's Rules of Professional Conduct;
- (11) [~~10~~] successfully completed the examination on the board's Rules of Professional Conduct; and
- (12) [~~11~~] provided any other information requested by the board.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.
TRD-202302524

J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
Effective date: July 14, 2023
Expiration date: November 10, 2023
For further information, please call: (512) 305-7866

22 TAC §511.164

The Texas State Board of Public Accountancy adopts on an emergency basis new rule §511.164 concerning Definition of 150 Semester Hours to Qualify for Issuance of a Certificate.

Reasoned Justification

This proposed new rule establishes the criteria for obtaining a license and certificate to become a CPA in Texas. It establishes the number of upper level accounting courses required at 27 plus a three-hour ethics course, maintains the advanced business course hours at 24 semester hours, maintains the minimum number of semester hours at 150, maintains the 3 semester hours of accounting or business ethics course work and identifies course work that does not qualify a candidate to become licensed and certified.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§511.164. *Definition of 150 Semester Hours to Qualify for Issuance of a Certificate.*

(a) To qualify for the issuance of a CPA certificate, an applicant must hold at a minimum a baccalaureate degree, conferred by a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education), and have completed the board-recognized coursework identified in this section:

(1) no fewer than 27 semester hours or quarter-hour equivalents of upper level accounting courses as defined by §511.57 of this chapter (relating to Qualified Accounting Courses to take the UCPAE) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE);

(2) no fewer than 24 semester hours or quarter-hour equivalents of upper level related business courses, as defined by §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE);

(3) a three-semester-hour board-approved standalone course in accounting or business ethics. The course must be taken at a recognized educational institution and should provide students with a framework of ethical reasoning, professional values, and attitudes for exercising professional skepticism and other behavior in the best interest of the public and profession. The ethics course shall:

(A) include the ethics rules of the AICPA, the SEC, and the board;

(B) provide a foundation for ethical reasoning, including the core values of integrity, objectivity, and independence; and

(C) be taught by an instructor who has not been disciplined by the board for a violation of the board's rules of professional conduct, unless that violation has been waived by the board; and

(4) academic coursework at an institution of higher education as defined by §511.52 of this chapter, when combined with paragraphs (1) - (3) of this subsection meets or exceeds 150 semester hours, of which 120 semester hours meets the education requirements defined by §511.59 of this chapter (relating to Definition of 120 Semester Hours to take the UCPAE). An applicant who has met paragraphs (1) - (3) of this subsection may use a maximum of 9 total semester credit hours of undergraduate or graduate independent study and/or internships as defined in §511.51(b)(4) or §511.51(b)(5) of this chapter (relating to Educational Definitions) to meet this paragraph. The courses shall consist of:

(A) a maximum of three semester credit hours of independent study courses; and

(B) maximum of six semester credit hours of accounting/business course internships.

(b) The following courses, courses of study, certificates, and programs may not be used to meet the 150-semester hour requirement:

(1) any CPA review course offered by an institution of higher education or a proprietary organization;

(2) remedial or developmental courses offered at an educational institution; and

(3) credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirement of this chapter:

(A) American College Education (ACE);

(B) Prior Learning Assessment (PLA);

(C) Defense Activity for Non-Traditional Education Support (DANTES); and

(D) Defense Subject Standardized Test (DSST).

(c) The hours from a course that has been repeated will be counted only once toward the required semester hours.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302525

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



CHAPTER 520. PROVISIONS FOR THE FIFTH-YEAR ACCOUNTING STUDENTS SCHOLARSHIP PROGRAM

22 TAC §520.1

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §520.1 concerning Authority and Purpose.

Reasoned Justification

Recent legislation eliminated the restriction that the scholarship fund would only be available to fifth year accounting students. The rule is proposed to be amended to delete any reference to "fifth year" students.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§520.1. Authority and Purpose.

(a) Authority for this chapter is provided in Subchapter D, §901.155 of the Act, which is titled Scholarship Trust Fund for [Fifth-Year] Accounting Students. This chapter establishes procedures to administer the [fifth-year] accounting students scholarship program.

(b) The purpose of the [fifth-year] accounting students scholarship program is to provide financial assistance to students intending to take the UCPAE conducted for the purpose of obtaining a CPA certificate and thus increase the number of highly trained and educated CPAs available to serve the residents of this state.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302526

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §520.3

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §520.3 concerning Institutions.

Reasoned Justification

Recently adopted legislation revises the Fifth Year Accounting Student Scholarship Fund, as provided in the Public Accountancy Act, to open up the scholarship fund to accounting students with 15 hours of upper level accounting courses. Currently an accounting student must be in their fifth year of accounting.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§520.3. Institutions.

(a) Eligibility.

(1) Any college or university defined as a public, private or independent institution of higher education by Texas Education Code, §61.003 that offers the courses required by §§511.57, 511.58 and 511.60 of this title (relating to Qualified Accounting Courses to take the UCPAE, Definitions of Related Business Subjects to take the

UCPAE [and Ethics Courses] and Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE), is eligible to participate in the [fifth-year] accounting students scholarship program.

(2) No institution may, on the grounds of race, color, national origin, gender, religion, age or disability exclude a student from participation in or deny the benefits of the program described in this chapter.

(3) Each participating institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-353) in avoiding discrimination in admissions.

(b) Approval.

(1) Each approved institution must enter into an agreement with the board, the terms of which shall be prescribed by the executive director.

(2) An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive scholarships in the following fiscal year beginning September 1st.

(c) Responsibilities.

(1) Probation Notice. If the institution is placed on public probation by its accrediting agency, it must immediately advise scholarship recipients of this condition and maintain evidence in each student's file to demonstrate that the student was so informed.

(2) Disbursements to Students.

(A) The institution must maintain records to prove the disbursement of program funds to the student or the crediting of such funds to the student's school account.

(B) If the executive director has reason to believe that an institution has disbursed funds for unauthorized purposes, the institution will be notified and offered an opportunity for a hearing pursuant to the applicable procedures outlined in Chapter 519 of this title (relating to Practice and Procedure) and the rules of procedure of SOAH. Thereafter, if the board determines that funds have been improperly disbursed, the institution shall become responsible for restoring the funds to the board. No further disbursements of scholarship funds shall be permitted to students at that institution until the funds have been repaid.

(d) Reporting.

(1) All institutions must meet board reporting requirements. Such reporting requirements shall include reports specific to allocation of scholarship funds as well as progress and year-end reports.

(2) Penalties for Late Reports.

(A) The executive director may penalize an institution by reducing its allocation of funds in the following year by up to 10 percent for each progress report that is postmarked or submitted electronically more than a week (seven (7) calendar days) late.

(B) The executive director may assess more severe penalties against an institution if any report is received by the board more than one month (thirty (30) calendar days) after its due date. The maximum penalty for a single year is 30 percent of the school's allocation. If penalties are invoked two consecutive years, the institution may be penalized an additional 20 percent.

(3) If the executive director determines that a penalty is appropriate, the institution will be notified by certified mail, addressed to the program officer. Within 21 days from the date that the program officer receives the written notice, the institution must submit a written

response appealing the board's decision, or the penalty shall become final and no longer subject to an appeal. An appeal under this section will be conducted in accordance with the rules provided in the applicable sections of Chapter 519 of this title and the procedural rules of SOAH.

(e) Program Reviews. If selected for such by the board, participating institutions must submit to program reviews of activities related to the [fifth-year] accounting students scholarship program.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302527

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §520.4

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §520.4 concerning Eligible Students.

Reasoned Justification

Recently adopted legislation increases the availability of the scholarship fund to more accounting students. To be eligible, the student may be an undergraduate student. The proposed rule makes it clear that a student is not eligible if they already have sufficient hours to be certified.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§520.4. Eligible Students.

(a) To receive funds [~~a student must~~]:

(1) an undergraduate student majoring in accounting must be enrolled at least half-time at an approved institution in Texas that is participating in the scholarship program, and attending consecutive semesters or in the final semester of the degree; or

(2) [(+)] a graduate student majoring in accounting must be enrolled [on] at least [a] half-time [basis] or in the final semester of the degree at an approved institution in Texas that is participating in the scholarship program.

~~[(2) maintain satisfactory academic progress in the program of study as defined by the institution;]~~

~~[(3) have completed at least 120 credit hours of college work, including at least 15 hours of accounting;]~~

~~[(4) sign a written statement confirming the intent to take the examination conducted by or pursuant to the authority of the board for the purpose of obtaining a certificate of "certified public accountant" in Texas;]~~

{(5) agree to pay on demand all scholarship funds received if the student does not sit for at least one part of the exam within three years of submitting the application of intent, unless the executive director grants an extension of the three-year requirement upon a showing of good cause;}

{(6) agree that failure to comply with paragraph (5) of this subsection may cause the board to take measures necessary to enforce the repayment of the scholarship including bringing a civil suit in state district court;}

{(7) confirm that the Application of Intent has not been approved or that the applicant has not been approved to take the CPA examination in Texas or another jurisdiction;}

{(8) maintain a cumulative grade point average, as determined by the institution, that is equal to or greater than the grade point average required by the institution for graduation;}

{(9) be a resident of Texas; and}

{(10) have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.}

(b) To receive funds, a student must:

(1) maintain satisfactory academic progress in the program of study as defined by the institution;

(2) have completed at least 15 semester hours of upper-level accounting coursework;

(3) sign a written statement confirming the intent to take the examination conducted by or pursuant to the authority of the board for the purpose of obtaining a certificate of "certified public accountant" in Texas;

(4) agree to pay on demand all scholarship funds received if the student does not take at least one part of the exam within three years of submitting the application of intent, unless the executive director grants an extension of the three-year requirement upon a showing of good cause;

(5) agree that failure to comply with paragraph (4) of this subsection may cause the board to take measures necessary to enforce the repayment of the scholarship including bringing a civil suit in state district court;

(6) confirm that the applicant submitted an Application of Intent and has not met the educational requirements for certification in Texas;

(7) maintain a cumulative grade point average, as determined by the institution, that is equal to or greater than the grade point average required by the institution for graduation;

(8) be a resident of Texas; and

(9) have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.

(c) [(b)] In selecting recipients the Program Officer shall consider at a minimum the following factors relating to each applicant:

(1) the applicant's financial need, which may be based on but not limited to the cost of the applicant attending school less family contribution and any gift aid (an award may not exceed the applicant's need nor be less than the amount calculated in accordance with the formula provided institutions in the application instructions);

(2) scholastic ability and performance as measured by the student's cumulative college grade point average as determined by the institution in which the student is enrolled; and

(3) ethnic or racial minority status.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302528

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



22 TAC §520.5

The Texas State Board of Public Accountancy adopts on an emergency basis an amendment to §520.5 concerning Award Amounts and Uses.

Reasoned Justification

The proposed rule establishes the period of a scholarship to be no more than three years.

Statutory Authority

This emergency rulemaking is enacted pursuant to the authority granted in §2001.034 Texas Government Code.

The statute affected by this emergency rulemaking is Chapter 901 of the Texas Occupations Code.

§520.5. Award Amounts and Uses.

(a) Funds awarded through this program may include any gifts, grants and donations of real or personal property from any entity, subject to limitations or conditions set by law, for the purposes of this chapter.

(b) Award Amount and Disbursements.

(1) The minimum and maximum annual award for a student through this program shall be an amount established by the board and announced to institutions in the allocation announcement sent out for the relevant year.

(2) An individual student's scholarship shall be paid out in the form of at least one disbursement per semester.

(c) No scholarship disbursed to a student shall be used for any purpose other than for meeting the cost of attending an approved institution.

(d) The duration of the scholarship shall be a maximum of three years awarded by semester or term.

(e) [(d)] At the time an award is made to a student, it shall not exceed the student's need.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302529

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: July 14, 2023

Expiration date: November 10, 2023

For further information, please call: (512) 305-7866



PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~Square brackets and strikethrough~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 22. EXAMINING BOARDS

PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 511. ELIGIBILITY

SUBCHAPTER B. CERTIFICATION BY EXAMINATION

22 TAC §511.22

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.22, concerning Initial Filing of the Application of Intent.

Background, Justification and Summary

The Public Accountancy Act is changing effective September 1, 2023. The Act, as amended, will permit CPA candidates to take the CPA exam with 120 semester hours of college course work. The Act currently requires 150 semester hours. There may be candidates with applications pending with the Board that may choose to withdraw their current application so that they would be eligible to take the exam on or after September 1, 2023 once the 120 semester hours is in effect. For those candidates that choose to do so, the \$20.00 application fee will be waived since they have already included the fee in their current application.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will reduce the application fee to a one-time event.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses be-

cause the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and

§901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.22. *Initial Filing of the Application of Intent.*

(a) The initial filing of the application of intent shall be made on forms prescribed by the board and shall also be in compliance with board rules and with all applicable laws. The application of intent may be submitted at any time and will be used to determine compliance and eligibility for an applicant to take the UCPAE. The application of intent will remain active until:

(1) an applicant takes at least one section of the UCPAE within two years from the date of submission of the application; or

(2) the second anniversary of the submission of the application has lapsed.

(b) Each applicant who submits an application of intent to determine eligibility for the UCPAE must pay a nonrefundable filing fee in accordance with §521.12 of this title (relating to Filing Fee). The filing fee shall be applied towards a reapplication of intent to determine eligibility for the UCPAE for those applicants applying prior to September 1, 2023 and reapplying following that date in order to qualify to take the UCPAE with 120 hours of acceptable coursework. An application of intent not accompanied by the proper fee or required documents shall not be considered complete. The withholding of information, a misrepresentation, or any untrue statement on the application or supplemental documents will be cause for rejection of the application.

(c) Each applicant must provide official educational documents to be used in determining compliance with the applicable education requirements of the Act.

(d) Each applicant must comply with the board's fingerprinting process that accesses the Federal Bureau of Investigation (FBI) database and the Texas Department of Public Safety-Crime Records division files. This is necessary to ensure an applicant to take the uniform CPA examination or to receive a certificate lacks a history of dishonest or felonious acts and the board is aware of any criminal activity that might be relevant to the applicant's qualifications to take the UCPAE.

(e) Each applicant will be notified when all requirements have been met to apply to take the UCPAE, and with the notification, an examination application will be made available to the applicant.

(f) Each applicant must provide a copy of the following documents:

(1) Unexpired driver's license issued by a state of the United States provided it contains a photograph and information such as name, date of birth, sex, height, eye color, and address; or an unexpired United States passport; and

(2) social security card. Such information shall be considered confidential and can only be disclosed under the provisions of the Act.

(g) Applicants who are citizens of a foreign country and who cannot meet the requirements of subsection (f) of this section shall comply by providing evidence of a non-expired F-1 Visa issued to students attending a university or college. The board may consider an F-1 Visa with a Certificate of Eligibility for Nonimmigrant Student Status. Form I-20 shall be approved by the designated school official at the educational institution where the applicant is currently attending.

(h) Applicants who cannot meet the requirements of subsection (f) or (g) of this section may be eligible to take the UCPAE by

providing evidence of both identity and employment authorization by submitting a copy of one of the following unexpired documents:

(1) An Alien Registration Receipt Card or Permanent Resident Card (Form I-551); or

(2) A foreign passport that contains a temporary I-551 stamp, or temporary I-551 printed notation on a machine-readable immigrant visa; or

(3) An Employment Authorization Document which contains a photograph (Form I-766).

(i) Applicants who do not have or do not submit a social security card will be required to pay an additional fee to NASBA each time they make application for the UCPAE to verify their legal entry into the U.S.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302530

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7866



SUBCHAPTER C. EDUCATIONAL REQUIREMENTS

22 TAC §511.52

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.52 concerning Recognized Institutions of Higher Education.

Background, Justification and Summary

Some semester hour course work may not be accepted by the Board to support an application to take the CPA exam. The Board is the authority in making that decision with advice from the University of Texas at Austin. The rule identifies four organizations and assessment methods that the Board will not accept as support to constitute the education necessary for a candidate to sit for the CPA exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will clarify the Board's method of evaluating course work and what specific organizations and assessment methods it will not accept.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is

not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.52. *Recognized Institutions of Higher Education.*

(a) The board recognizes institutions of higher education that offer a baccalaureate or higher degree, that either:

(1) are accredited by one of the following organizations:

(A) Middle States Commission on Higher Education (MSCHE);

(B) Northwest Commission on Colleges and Universities (NWCCU);

(C) Higher Learning Commission (HLC);

(D) New England Commission of Higher Education (NECHE);

(E) Southern Association of Colleges and Schools, Commission on Colleges (SACS); and

(F) WASC Senior College and University Commission;

or

(2) provide evidence of meeting equivalent accreditation requirements of SACS.

(b) The board is the final authority regarding the evaluation of an applicant's education and has received assistance from the reporting institution in the State of Texas, the University of Texas at Austin, in evaluating:

(1) an institution of higher education;

(2) organizations that award credits for coursework taken outside of a traditional academic environment and shown on a transcript from an institution of higher education;

(3) assessment methods such as credit by examination, challenge exams, and portfolio assessment; and

(4) non-college education and training.

(c) The following organizations and assessment methods may not be used to meet the requirements of this chapter:

(1) American Council on Education (ACE);

(2) Prior Learning Assessment (PLA);

(3) Defense Activity for Non-Traditional Education Support (DANTES); and

(4) Defense Subject Standardized Test (DSST).

~~[(b) The board may receive assistance from the reporting institution in the State of Texas in evaluating an institution of higher education.]~~

~~(d) [(e)] The board may accept courses completed through an extension school, a correspondence school or continuing education program provided that the courses are offered and accepted by the board approved educational institution for a business baccalaureate or higher degree conferred by that educational institution.~~

~~(e) [(d)] Except as provided in subsection (d) [(e)] of this section, extension and correspondence schools or programs and continuing education courses do not meet the criteria for recognized institutions of higher education.~~

~~(f) [(e)] The requirements related to recognized community colleges are provided in §511.54 of this chapter (relating to Recognized Texas Community Colleges).~~

~~(g) [(f)] The board may recognize a community college that offers a baccalaureate degree in accounting or business, provided that the applicant is admitted to a graduate program in accounting or busi-~~

ness offered at a recognized institution of higher education that offers a graduate or higher degree.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302531

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.53

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.53 concerning Evaluation of International Education Documents.

Background, Justification and Summary

The proposed rule addresses a revision to the Public Accountancy Act that lowers the number of college level courses needed to be eligible to take the CPA exam. The Board is attempting to get the rule adopted in time for the effective date of the Act's revision.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment is to let the public know of the change to the Public Accountancy Act effective September 1, 2023.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or

decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.53. *Evaluation of International Education Documents.*

(a) It is the responsibility of the board to confirm that education obtained at colleges and universities outside of the United States (international education) is equivalent to education earned at board-recognized institutions of higher education in the U.S.

(b) The board shall use, at the expense of the applicant, the services of the University of Texas at Austin, Graduate and International Admissions Center, to validate, review, and evaluate international education documents submitted by an applicant to determine if the courses taken and degrees earned are substantially equivalent to those offered by the board-recognized institutions of higher education located in the U.S. The evaluation shall provide the following information to the board:

(1) Degrees earned by the applicant that are substantially equivalent to those conferred by a board-recognized institution of higher education in the U.S. that meets §511.52 of this chapter (relating to Recognized Institutions of Higher Education);

(2) The total number of semester hours or quarter hour equivalents earned that are substantially equivalent to those earned at U.S. institutions of higher education and that meet §511.59 of this chapter (relating to Definition of 120 [150] Semester Hours to take the UCPAE);

(3) The total number of semester hours or quarter hour equivalents earned in accounting coursework that meets §511.57 of this chapter (relating to Qualified Accounting Courses to take the UCPAE) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE);

(4) An analysis of the title and content of courses taken that are substantially equivalent to courses listed in §511.57 or §511.60 of this chapter; and

(5) The total number of semester hours or quarter hour equivalents earned in business coursework that meets §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses]).

(c) The University of Texas at Austin, Graduate and International Admissions Center, may use the American Association of Collegiate Registrars and Admissions Officers (AACRAO) material, including the Electronic Database for Global Education (EDGE), in evaluating international education documents.

(d) Other evaluation or credentialing services of international education are not accepted by the board.

(e) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:

(1) American College Education (ACE);

(2) Prior Learning Assessment (PLA);

(3) Defense Activity for Non-Traditional Education Support (DANTES); and

(4) Defense Subject Standardized Test (DSST).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302532

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.54

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.54 concerning Recognized Texas Community Colleges.

Background, Justification and Summary

The Public Accountancy is being revised to permit CPA candidates to take the CPA exam with 120 semesters hours of college course work. This rule is being revised to effect the statutory change so that the number of upper level accounting courses re-

quired to take the exam will be reduced from 30 semester hours to 21 semester hours effective September 1, 2023.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment helps to implement the statutory revision to permit CPA candidates to take the exam with 120 semester hours of college.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the pro-

posed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.54. *Recognized Texas Community Colleges.*

(a) An applicant who has completed a baccalaureate or higher degree from a board recognized institution of higher education based on the requirements of §511.52 of this chapter (relating to Recognized Institutions of Higher Education), may enter into a course of study at a board recognized Texas community college to complete the educational requirements of §§511.57, 511.58, and 511.60 of this chapter (relating to Qualified Accounting Courses to take the UCPAE, Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses], and Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE).

(b) The board recognizes and accepts Texas community colleges that meet board standards for a comprehensive academic program based on the educational requirements of §§511.57, 511.58, and 511.60 of this chapter.

(c) Effective August 1, 2015, the standards include at a minimum all, but are not limited to, the following:

(1) The Texas community college must be accredited by SACS.

(2) Academic accounting and business courses recognized as meeting §§511.57, 511.58, and 511.60 of this chapter are deemed by the board as equivalent to upper level coursework at an institution of higher education and must contain a rigorous curriculum that is similar to courses offered in a baccalaureate degree program at a university. Accounting, business, and ethics courses must be developed by a group of full time accounting faculty members and approved by the board prior to offering to students. Modifications to an approved course must be reconsidered by the board prior to offering to students.

(3) Academic courses meeting §§511.57, 511.58, and 511.60 of this chapter must be taken after completing a baccalaureate degree.

(4) The Texas community college must offer no fewer than:

(A) 27 [30] semester hours of academic accounting courses meeting §511.57 or §511.60 of this chapter;

(B) 24 semester hours of academic business courses meeting §511.58 of this chapter; and

(C) a board-approved three semester hour ethics course meeting §511.164 [~~§511.58~~] of this chapter (relating to Definition of 150 Semester Hours to Qualify for Issuance of a Certificate).

(5) The Texas community college designates an accounting faculty member(s) who is responsible for:

(A) managing the comprehensive academic program at all campuses;

(B) selecting and training qualified faculty members to teach the program courses and regularly evaluating their effectiveness in the classroom;

(C) establishing and maintaining a rigorous program curriculum;

(D) establishing and maintaining a process for advising and guiding students through the program; and

(E) providing annual updates to the board on the status of the academic program.

(6) Faculty members at a community college recognized and accepted by the board must have the following credentials to teach academic courses meeting §§511.57, 511.58, and 511.60 of this chapter:

(A) Doctorate or master's degree in the teaching discipline; or

(B) Master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

(7) At least three-fourths of the faculty members who are responsible to teach academic courses meeting §511.57 or §511.60 of this chapter must hold a current CPA license.

(8) Faculty members will comply with the established educational definitions in §511.51 of this chapter (relating to Educational Definitions).

(9) The Texas community college will provide ongoing professional development for its faculty as teachers, scholars, and CPA practitioners.

(10) The Texas community college will make available to students a resource library containing current online authoritative literature to support the academic courses meeting §§511.57, 511.58, and 511.60 of this chapter, and will incorporate the online authoritative literature in accounting courses.

(d) A community college recognized and accepted by the board under this provision must be reconsidered by the board on the fifth-year anniversary of the approval. Information brought to the attention of the board by a student or faculty member of the Texas community college that indicates non-compliance with the standards may cause the board to accelerate reconsideration.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302533

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.56

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.56 concerning Educational Qualifications under the Act.

Background, Justification and Summary

One major effect of this rule revision is to allow candidates to take the CPA exam with 21 upper level accounting semester hours. The three semester hour ethics course is being eliminated from eligibility to take the exam. This allows candidates to take the exam earlier than the current law allows. The three semester hour ethics course will be required prior to certification.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will help implement the revision to the Public Accountancy Act to permit a CPA candidate to take the exam with 120 semester hours of college course work.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.56. Educational Qualifications under the Act to take the UC-PAE.

(a) An applicant for the UCPAE under the current Act shall meet the following educational requirements at the time of filing the initial application to take the examination and in order to qualify to take the examination:

(1) hold a baccalaureate or graduate degree conferred by an institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) recognized by the board; and

(2) complete no fewer than 120 [150] semester hours or quarter-hour equivalents of courses, as defined by §511.59 of this chapter (relating to Definition of 120 [150] Semester Hours to take the UC-PAE) and consisting of:

(A) no fewer than 21 [30] semester hours or quarter-hour equivalents of upper level accounting courses as defined by §511.57 of this chapter (relating to Qualified Accounting Courses to take the UCPAE) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE); and

(B) no fewer than 24 semester hours or quarter-hour equivalents of upper level related business courses, as defined by §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE). [and Ethics Courses]; and

~~[(C) a 3-semester-hour board-approved ethics course as defined by §511.58 of this chapter.]~~

(b) An applicant for the UCPAE who met the educational requirements of the Act that were in effect at the time of taking the initial examination shall continue to be examined under those requirements unless the applicant chooses to meet the current education requirements of the Act.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302534

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.57

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.57 concerning Qualified Accounting Courses.

Background, Justification and Summary

With the proposed revision to the Public Accountancy Act permitting a candidate to sit for the exam at 120 semester hours, the number of upper level accounting courses is being reduced to 21 semester hours of course work. With the reduction of upper level accounting course work, the number of hours in the separate disciplines is correspondingly being reduced to implement the revisions to the Act.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will permit CPA candidates to test at 120 hours of course work and make them aware of the number of hours required in the different disciplines.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not

increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.57. *Qualified Accounting Courses to take the UCPAE.*

(a) An applicant shall meet the board's accounting course requirements in one of the following ways:

(1) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) and present official transcript(s) from board-recognized institution(s) that show degree credit for no fewer than 21 ~~[30]~~ semester credit hours of upper division accounting courses as defined in subsections (e), (f) and (g) of this section; or

(2) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this chapter, and after obtaining the degree, complete the requisite 21 ~~[30]~~ semester credit hours of upper division accounting courses, as defined in subsections (e), (f) and (g) of this section, from four-year degree granting institutions, or accredited community colleges, provided that all such institutions are recognized by the board as defined by §511.52

or §511.54 of this chapter (relating to Recognized Texas Community Colleges).

(b) Credit for hours taken at board-recognized institutions of higher education using the quarter system shall be counted as 2/3 of a semester credit hour for each hour of credit received under the quarter system.

(c) The board will accept no fewer than 21 [30] semester credit hours of accounting courses from the courses listed in subsections (e), (f) and (g) of this section. The hours from a course that has been repeated will be counted only once toward the required 21 [30] semester hours. The courses must meet the board's standards by containing sufficient accounting knowledge and application to be useful to candidates taking the UCPAE. A board-recognized institution of higher education must have accepted the courses for purposes of obtaining a baccalaureate or higher degree or its equivalent, and they must be shown on an official transcript.

(d) Upper level accounting coursework recognized by the board and in effect prior to January 1, 2024, may be found in §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE).

(e) Effective January 1, 2024, the subject-matter content should be derived from the UCPAE Blueprint. A minimum of 12 [15] semester hours with at least three semester hours in each of the following accounting course content area is required:

(1) financial accounting and reporting for business organizations that may include:

- (A) intermediate accounting;
- (B) advanced accounting; and
- (C) accounting theory;

- (2) financial statement auditing;
- (3) taxation; and
- (4) accounting information systems.

(f) Effective January 1, 2024, a minimum of 9 [15] hours in any of the following accounting course content area is required:

- (1) managerial or cost accounting (excluding introductory level courses);
- (2) auditing and attestation services;
- (3) internal accounting control and risk assessment;
- (4) financial statement analysis;
- (5) accounting research and analysis;
- (6) up to 9 semester credit hours of taxation (including tax research and analysis);
- (7) financial accounting and reporting for governmental and/or other nonprofit entities;
- (8) up to 9 semester credit hours of accounting information systems, including management information systems ("MIS"), provided the MIS courses are listed or cross-listed as accounting courses, and the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting;
- (9) up to 9 [12] semester credit hours of accounting data analytics, provided the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting; business data analytics may be con-

sidered provided the courses are listed or cross-listed as accounting courses, and the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting; (while data analytics tools may be taught in the courses, application of the tools should be the primary objective of the courses);

- (10) fraud examination;
- (11) international accounting and financial reporting;
- (12) mergers and acquisitions;
- (13) financial planning;

[(14) an accounting internship program (not to exceed 3 semester credit hours) which meets the following requirements:]

[(A) the accounting knowledge gained is equal to or greater than the knowledge gained in a traditional accounting classroom setting;]

[(B) the employing firm provides the faculty coordinator and the student with the objectives to be met during the internship;]

[(C) the internship plan is approved in advance by the faculty coordinator;]

[(D) the employing firm provides significant accounting work experience with adequate training and supervision of the work performed by the student;]

[(E) the employing firm provides the student with training, supervision, periodic feedback and a final evaluation at the conclusion of the internship, provides a letter describing the duties performed and the supervision to the student, and provides a copy of the documentation to the faculty coordinator and the student;]

[(F) the student keeps a diary comprising a chronological list of all work experience gained in the internship;]

[(G) the student writes a paper demonstrating the knowledge gained in the internship;]

[(H) the student and/or faculty coordinator provides evidence of all items upon request by the board; and]

[(I) the internship course shall not be taken until a minimum of 12 semester credit hours of upper division accounting course work has been completed;]

(14) [(15)] at its discretion, the board may accept up to three semester hours of credit of accounting course work with substantial merit in the context of a career in public accounting, provided the course work is predominantly accounting or auditing in nature but not included in paragraphs (1) - (13) of this subsection. For any course submitted under this provision, the Accounting Faculty Head or Chair must affirm to the board in writing the course's merit and content; and

(15) [(16)] at its discretion, the board may accept up to three semester credit hours of independent study in accounting selected or designed by the student under faculty supervision. The curriculum for the course shall not repeat the curriculum of another accounting course that the student has completed.

(g) The board requires that a minimum of two semester credit hours in research and analysis relevant to the course content described in subsection (f) of this section be completed. The semester credit hours may be obtained through a standalone course or offered through an integrated approach. If the course content is offered through integration, the institution of higher education must advise the board of the course(s) that contain the research and analysis content. The course

may be used toward the 9 [15] semester credit hours of upper level accounting courses identified in subsection (f)(5) of this section.

(h) The following types of introductory courses do not meet the accounting course definition in subsections (e) and (f) of this section:

- (1) elementary accounting;
- (2) principles of accounting;
- (3) financial and managerial accounting;
- (4) introductory accounting courses; and
- (5) accounting software courses.

(i) Any CPA review course offered by an institution of higher education or a proprietary organization shall not be used to meet the accounting course definition.

(j) CPE courses shall not be used to meet the accounting course definition.

(k) An ethics course required in §511.58(d) of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses]) shall not be used to meet the accounting course definition in subsections (e) and (f) of this section.

(l) Accounting courses completed through an extension school of a board recognized educational institution may be accepted by the board provided that the courses are accepted for a business baccalaureate or higher degree conferred by that educational institution.

(m) The board may review the content of accounting courses and determine if they meet the requirements of this section.

(n) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:

- (1) American College Education (ACE);
- (2) Prior Learning Assessment (PLA);
- (3) Defense Activity for Non-Traditional Education Support (DANTES); and
- (4) Defense Subject Standardized Test (DSST).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302535

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.58

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.58 concerning Definitions of Related Business Subjects and Ethics Courses.

Background, Justification and Summary

As a result of the proposed revisions to the Public Accountancy Act, an ethics course is no longer being required prior to taking the exam at 120 hours and is being relocated to Board Rule 511.161. The proposed revision also identifies certain organizations and assessment methods that will not be accepted by the Board to qualify a candidate to sit for the exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment permits the implementation of the sitting for the CPA exam at 120 hours.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.58. Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses].

(a) Related business courses are those business courses that a board recognized institution of higher education accepts for a business baccalaureate or higher degree by that educational institution.

(b) An individual who holds a baccalaureate or higher degree from a recognized educational institution as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) may take related business courses from four-year degree granting institutions, or recognized community colleges, provided that all such institutions are recognized by the board as defined by §511.52 or §511.54 of this chapter (relating to Recognized Texas Community Colleges). Related business courses taken at a recognized community college are only the courses that the board has reviewed and approved to meet this section.

(c) The board will accept no fewer than 24 semester credit hours of upper level courses (for the purposes of this subsection, economics and statistics at any college level will count as upper division courses) as related business subjects (without repeat), taken at a recognized educational institution shown on official transcripts or accepted by a recognized educational institution for purposes of obtaining a baccalaureate degree or its equivalent, in the following areas.

(1) No more than 6 credit semester hours taken in any of the following subject areas may be used to meet the minimum hour requirement:

- (A) business law, including study of the Uniform Commercial Code;
- (B) economics;
- (C) management;
- (D) marketing;
- (E) business communications;
- (F) statistics and quantitative methods;
- (G) information systems or technology; and
- (H) other areas related to accounting.

(2) No more than 9 credit semester hours taken in any of the following subject areas may be used to meet the minimum hour requirement:

- (A) finance and financial planning; and
- (B) data analytics, data interrogation techniques, cyber security and/or digital acumen in the accounting context, whether taken in the business school or in another college or university program, such as the engineering, computer science, information systems, or math programs (while data analytic tools may be used in the course, application of the tools should be the primary objective of the course.

~~[(d) In addition to the 24 hours required in subsection (c) of this section, the board requires that 3 passing semester hours be earned as a result of taking a standalone course in accounting or business ethics. The course must be taken at a recognized educational institution and should provide students with a framework of ethical reasoning, professional values, and attitudes for exercising professional skepticism and other behavior in the best interest of the public and profession. The ethics course shall:]~~

~~[(1) include the ethics rules of the AICPA, the SEC, and the board;]~~

~~[(2) provide a foundation for ethical reasoning, including the core values of integrity, objectivity, and independence; and]~~

~~[(3) be taught by an instructor who has not been disciplined by the board for a violation of the board's rules of professional conduct, unless that violation has been waived by the board.]~~

~~(d) [(e)] The board requires that a minimum of 2 upper level semester credit hours in accounting communications or business communications with an intensive writing curriculum be completed. The semester hours may be obtained through a standalone course or offered through an integrated approach. If the course content is offered through integration, the university must advise the board of the course(s) that contain the accounting communications or business communications content. The course may be used toward the 24 semester credit hours of upper level business courses listed in subsection (c)(1) of this section.~~

~~(e) [(f)] Credit for hours taken at recognized institutions of higher education using the quarter system shall be counted as 2/3 of a semester hour for each hour of credit received under the quarter system.~~

~~(f) [(g)] Related business courses completed through and offered by an extension school, correspondence school, or continuing education program of a board recognized educational institution may be accepted by the board, provided that the courses are accepted for a business baccalaureate or higher degree conferred by that educational institution.~~

~~(g) [(h)] The board may review the content of business and ethics courses and determine if they meet the requirements of this section.~~

~~(h) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:~~

- ~~(1) American College Education (ACE);~~
- ~~(2) Prior Learning Assessment (PLA);~~
- ~~(3) Defense Activity for Non-Traditional Education Support (DANTES); and~~
- ~~(4) Defense Subject Standardized Test (DSST).~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302536

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.59

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.59 concerning Definition of 150 Semester Hours.

Background, Justification and Summary

The proposed rules implement the proposed revisions to the Public Accountancy Act to permit the CPA candidate to sit for the exam with 120 semester hours of college course work. The number of upper level accounting courses is reduced to 21, the 3 hours of ethics is relocated to Board Rule 511.161, the credit hours of undergraduate or graduate independent study and/or internship courses is relocated to Board Rule 511.164, and the proposed revision also identifies certain organizations and assessment methods that will not be accepted by the Board to qualify a candidate to sit for the exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will implement the proposed revision to the Act to permit a CPA candidate to sit for the exam with 120 semester hours of course work.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed

rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.59. Definition of 120 [150] Semester Hours to take the UCPAE.

(a) To be eligible to take the UCPAE, an applicant must hold at a minimum a baccalaureate degree, conferred by a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education), and have completed the board-recognized coursework identified in this section:

(1) no fewer than 21 [30] semester hours or quarter-hour equivalents of upper level accounting courses as defined by §511.57 of this chapter (relating to Qualified Accounting Courses) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE);

(2) no fewer than 24 semester hours or quarter-hour equivalents of upper level related business courses, as defined by §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses]); and

~~[(3) a 3-semester-hour board-approved ethics course as defined by §511.58 of this chapter; and]~~

~~(3) [(4)] academic coursework at an institution of higher education as defined by §511.52 of this chapter, when combined with paragraphs (1) and (2) [- (3)] of this subsection meets or exceeds 120 [150] semester hours. [A maximum of 9 total semester credit hours of undergraduate or graduate independent study courses and/or internships, as defined in §511.51(b)(4) or §511.51(b)(5) of this chapter (relating to Educational Definitions) respectively, may be considered as academic coursework to meet this paragraph. Of the 9 total semester credit hours of undergraduate or graduate independent study and/or internships courses, a maximum of 3 semester credit hours may apply to accounting content subject to paragraph (1) of this subsection and a maximum of 3 semester credit hours may apply to business courses subject to paragraph (2) of this subsection. Semester credit hours may not be applied to both accounting content as found in paragraph (1) of this subsection and business courses as found in paragraph (2) of this subsection concurrently.]~~

(b) An individual holding a baccalaureate degree conferred by a board-recognized institution of higher education, as defined by §511.52 of this chapter, and who has not completed the requirements of this section shall meet the requirements by taking coursework in one of the following ways:

(1) complete upper level or graduate courses at a board recognized institution of higher education as defined in §511.52 of this chapter that meets the requirements of subsection (a)(1) and (2) [- (3)] of this section; or

(2) enroll in a board recognized community college as defined in §511.54 of this chapter (relating to Recognized Texas Community Colleges) and complete board approved accounting or business courses that meet the requirements of subsection (a)(1) and (2) [- (3)] of this section. Only specified accounting and business courses that are approved by the board will be accepted as not all courses offered at a community college are accepted.

(c) The following courses, courses of study, certificates, and programs may not be used to meet the 120-semester [150-semester] hour requirement:

(1) any CPA review course offered by an institution of higher education or a proprietary organization; ~~and]~~

(2) remedial or developmental courses offered at an educational institution; ~~and[-]~~

(3) credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:

(A) American College Education (ACE);

(B) Prior Learning Assessment (PLA);

(C) Defense Activity for Non-Traditional Education Support (DANTES); and

(D) Defense Subject Standardized Test (DSST).

(d) The hours from a course that has been repeated will be counted only once toward the required 120 [150] semester hours.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302537

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.60

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.60 concerning Qualified Accounting Courses Prior to January 1, 2024.

Background, Justification and Summary

The proposed rules implement the proposed revisions to the Public Accountancy Act to permit the CPA candidate to sit for the exam with 120 semester hours of college course work. The number of upper level accounting courses is reduced to 21, the 3 hours of ethics is relocated to Board Rule 511.161 and the proposed revision also identifies certain organizations and assessment methods that will not be accepted by the Board to qualify a candidate to sit for the exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will implement the proposed revision to the Act to permit a CPA candidate to sit for the exam with 120 semester hours of course work.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed

rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.60. Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE.

(a) An applicant shall meet the board's accounting course requirements in one of the following ways:

(1) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education) and present valid transcript(s) from board-recognized institution(s) that show degree credit for no fewer than 21 [30] semester credit hours of upper division accounting courses as defined in subsection (e) of this section; or

(2) Hold a baccalaureate or higher degree from a board-recognized institution of higher education as defined by §511.52 of this chapter, and after obtaining the degree, complete the requisite 21 [30] semester credit hours of upper division accounting courses, as defined in subsection (e) of this section, from four-year degree granting institutions, or accredited community colleges, provided that all such institutions are recognized by the board as defined by §511.52 of this chapter, and that the accounting programs offered at the community colleges are reviewed and accepted by the board.

(b) Credit for hours taken at board-recognized institutions of higher education using the quarter system shall be counted as 2/3 of a semester credit hour for each hour of credit received under the quarter system.

(c) The board will accept no fewer than 21 [30] semester credit hours of accounting courses from the courses listed in subsection (e)(1) - ~~(14)~~ [~~15~~] of this section. The hours from a course that has been repeated will be counted only once toward the required 21 [30] semester hours. The courses must meet the board's standards by containing sufficient business knowledge and application to be useful to candidates taking the UCPAE. A board-recognized institution of higher education must have accepted the courses for purposes of obtaining a baccalaureate degree or its equivalent, and they must be shown on an official transcript.

(d) A non-traditionally-delivered course meeting the requirements of this section must have been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

(e) The subject-matter content should be derived from the UCPAE Blueprints and cover some or all of the following:

(1) financial accounting and reporting for business organizations that may include:

(A) up to nine semester credit hours of intermediate accounting;

(B) advanced accounting; or

(C) accounting theory;

(2) managerial or cost accounting (excluding introductory level courses);

(3) auditing and attestation services;

(4) internal accounting control and risk assessment;

(5) financial statement analysis;

(6) accounting research and analysis;

(7) up to 12 semester credit hours of taxation (including tax research and analysis);

(8) financial accounting and reporting for governmental and/or other nonprofit entities;

(9) up to 12 semester credit hours of accounting information systems, including management information systems ("MIS"), provided the MIS courses are listed or cross-listed as accounting courses, and the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting;

(10) up to 12 semester credit hours of accounting data analytics, provided the institution of higher education accepts these courses as satisfying the accounting course requirements for graduation with a degree in accounting (while data analytics tools may be taught in the courses, application of the tools should be the primary objective of the courses);

(11) fraud examination;

(12) international accounting and financial reporting;

~~[(13) an accounting internship program (not to exceed three semester credit hours) which meets the following requirements:]~~

~~[(A) the accounting knowledge gained is equal to or greater than the knowledge gained in a traditional accounting classroom setting;]~~

~~[(B) the employing firm provides the faculty coordinator and the student with the objectives to be met during the internship;]~~

~~[(C) the internship plan is approved in advance by the faculty coordinator;]~~

~~[(D) the employing firm provides significant accounting work experience with adequate training and supervision of the work performed by the student;]~~

~~[(E) the employing firm provides an evaluation of the student at the conclusion of the internship, provides a letter describing the duties performed and the supervision to the student, and provides a copy of the documentation to the faculty coordinator and the student;]~~

~~[(F) the student keeps a diary comprising a chronological list of all work experience gained in the internship;]~~

~~[(G) the student writes a paper demonstrating the knowledge gained in the internship;]~~

~~[(H) the student and/or faculty coordinator provides evidence of all items upon request by the board;]~~

~~[(I) the internship course shall not be taken until a minimum of 12 semester credit hours of upper division accounting course work has been completed; and]~~

~~[(J) the internship course shall be the equivalent of a traditional course;]~~

~~(13) [(14)] at its discretion, the board may accept up to three semester credit hours of accounting course work with substantial merit in the context of a career in public accounting, provided the course work is predominantly accounting or auditing in nature but not included in paragraphs (1) - (12) of this subsection (for any course submitted under this provision, the Accounting Faculty Head or Chair must affirm to the board in writing the course's merit and content); and~~

~~(14) [(15)] at its discretion, the board may accept up to three semester credit hours of independent study in accounting selected or designed by the student under faculty supervision (the curriculum for the course shall not repeat the curriculum of another accounting course that the student has completed).~~

(f) The board requires that a minimum of two semester credit hours in research and analysis relevant to the course content described in subsection (e)(6) or (7) of this section be completed. The semester credit hours may be obtained through a discrete course or offered through an integrated approach. If the course content is offered through integration, the institution of higher education must advise the board of the course(s) that contain the research and analysis content.

(g) The following types of introductory courses do not meet the accounting course definition in subsection (e) of this section:

- (1) elementary accounting;
- (2) principles of accounting;
- (3) financial and managerial accounting;
- (4) introductory accounting courses; and
- (5) accounting software courses.

(h) Any CPA review course offered by an institution of higher education or a proprietary organization shall not be used to meet the accounting course definition.

(i) CPE courses shall not be used to meet the accounting course definition.

~~[(j) An ethics course required in §511.58(d) of this chapter (relating to Definitions of Related Business Subjects and Ethics Courses) shall not be used to meet the accounting course definition in subsection (e) of this section.]~~

(j) ~~[(k)]~~ Accounting courses completed through an extension school of a board recognized educational institution may be accepted by the board provided that the courses are accepted for a business baccalaureate or higher degree conferred by that educational institution.

(k) Credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirements of this chapter:

- (1) American College Education (ACE);
- (2) Prior Learning Assessment (PLA);
- (3) Defense Activity for Non-Traditional Education Support (DANTES); and
- (4) Defense Subject Standardized Test (DSST).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302538

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



SUBCHAPTER D. CPA EXAMINATION

22 TAC §511.73

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.73 concerning Notice to Applicant to Schedule Taking a CPA Exam Section.

Background, Justification and Summary

The AICPA, the entity administering the UCPAE (Uniform Certified Public Accountancy Act Exam), has substantially revised the exam and anticipates delays in fully implementing it. In anticipation of expected delays this agency is proposing to extend the eligibility time to take the UCPAE and pay the filing fees from 90 days to 180 days.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will provide a fair time frame for applicants to take each part of the exam.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and

§901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.73. Notice to Applicant to Schedule Taking a CPA Exam Section.

(a) Effective January 1, 2024, and upon [Upon] approval of the eligibility application, the board shall inform an examination applicant that they have 180 [90] days from the date of approval in which to take a section of the UCPAE.

(b) An applicant is required to pay an examination fee to NASBA for the examination section for which the applicant has applied.

(c) After payment of the examination fee, an applicant is required to schedule with the test vendor to take the section at a board-approved location.

(d) An applicant who fails to pay the required examination fee to NASBA or fails to take a section of the UCPAE within the 180-day [90-day] eligibility period must reapply to the board and pay the required fees to establish a new eligibility period.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302539

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.80

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.80 concerning Granting of Credit.

Background, Justification and Summary

The AICPA, the entity administering the UCPAE (Uniform Certified Public Accounts Exam), has substantially revised the exam and anticipates delays in fully implementing it. In anticipation of expected delays this agency is proposing to extend the validity of a credit earned for passing a part of the exam from 18 months to 30 months.

In addition, the Public Accountancy Act has been amended to permit CPA candidates to take the UCPAE with 120 semester hours of coursework. In order to avoid candidates unnecessarily delaying completion of their application for certification, the rule amendment proposes to set a time limit of 36 months from the time all sections of the exam have been passed. Also, one point of grammar and one word were replaced for clarity.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will put candidates on notice of a time limitation to become certified with the intent to motivate candidates to complete their application and offer the public more CPAs to provide accounting services.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.80. Granting of Credit.

(a) The board shall grant credit to an applicant for the satisfactory completion of a section of the UCPAE provided the applicant earns a passing score on the section as determined by board rule. The credit shall be valid for 30 [~~18~~] months from the actual date of notification of passing score results. The 30 [~~18~~] months may be temporarily extended by the executive director, in accordance with §901.307(b) of the Act (relating to Grading Examination), in order to provide for uniformity with other state regulatory authorities or for reasonably unforeseeable or uncontrollable events.

(b) An applicant must pass the remaining sections within the next 30 [~~18~~] months. Should an applicant's exam credit be invalidated due to the expiration of 30 [~~18~~] months without earning credit on the remaining sections, the applicant remains qualified to take the examination.

(c) An applicant receiving and retaining credit for every section on the UCPAE, within a 30-month [~~an 18-month~~] period, shall be considered by the board to have completed the examination and may make application for certification as a CPA.

(d) Effective January 1, 2024, an applicant under this section shall have 36 months from the time all test sections are passed to meet the education requirements of §511.164 of this chapter (relating to Definition of 150 Semester Hours to Qualify for Issuance of a Certificate) or the credit for all test sections will expire.

(e) [~~(d)~~] Effective January 1, 2024, an applicant who has an active credit on a section of the UCPAE shall have earned credit on the newly structured UCPAE as follows:

(1) credit on auditing and attestation (AUD) shall transition to auditing and attestation (AUD);

(2) credit on financial accounting and reporting (FAR) shall transition to financial accounting and reporting (FAR);

(3) credit on regulation (REG) shall transition to taxation and regulation (REG); and

(4) credit on business environment and concepts (BEC) shall not transition to a specific discipline as there is not an equivalent section, however, credit will be retained in lieu of a discipline.

(f) [~~(e)~~] Effective January 1, 2024, the Board shall grant credit to an applicant for the satisfactory completion of the following sections of the UCPAE provided the applicant earns a passing score on the section as determined by board rule. The credit shall be valid for 30 [~~18~~] months from the actual date of notification of passing score results:

(1) auditing and attestation (AUD);

(2) financial accounting and reporting (FAR);

(3) taxation and regulation (REG); and

(4) one of the following discipline sections:

(A) business analysis and reporting (BAR);

(B) information systems and controls (ISC); or

(C) tax compliance and planning (TCP).

(g) [(f)] An applicant who has received and retained credit for any or all sections on the UCPAE may transfer such credits to another licensing jurisdiction if the applicant pays in advance a transfer fee set by board rule as identified in §521.7 of this title (relating to Fee for Transfer of Credits).

(h) [(g)] If the UCPAE is restructured by the AICPA, the board shall determine the manner in which active credit earned prior to the restructure for a subject is integrated into the new UCPAE.

(i) [(h)] Interpretive Comment: For the purpose of this section unforeseeable and uncontrollable events include, but [by] are not limited to, the health of the applicant, accidents limiting the applicant, military service, natural disasters, or acts of God.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302540

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.83

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.83 concerning Granting of Credit by Transfer of Credit.

Background, Justification and Summary

An applicant receiving credit for having passed one of the parts of the exam will have 30 months to pass the remaining sections of the exam. This time frame is proposed to be extended from 18 months to 30 months in anticipation of likely delays in the recently revised exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment is to provide a fair time frame to pass all parts of the exam in anticipation of delays in the availability of testing opportunities.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on

small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.83. Granting of Credit by Transfer of Credit.

(a) In order for the board to grant credit to an applicant for partial completion of the UCPAE given by the licensing authority of another jurisdiction the applicant must have met the following requirements:

(1) earned a score of 75 or higher on any section of the examination;

(2) was awarded credit by the licensing authority of another jurisdiction for the section(s) taken while an applicant of that board; and

(3) the credit awarded by the licensing authority of another jurisdiction has not expired.

(b) If the board accepts transfers of credit, it will also accept transfers of credit for sections passed at subsequent examinations.

(c) The grades made by an applicant on sections under consideration must be the ones reported to the licensing authority of another jurisdiction by the AICPA through NASBA.

(d) An applicant allowed credit for each section passed must pass the remaining section(s) within the next 30 [18] months from the date credit was awarded or forfeit credit received for that section.

(e) Effective January 1, 2024, an applicant under this section shall have 36 months from the time all test sections are passed to meet the education requirements of §511.164 of this chapter (relating to Definition of 150 Semester Hours to Qualify for Issuance of a Certificate) or the credit for all test sections will expire. [An applicant who has earned the right to partial reexamination and who fails to pass the remaining section(s) of the examination within the applicable time limits shall lose the right to partial reexamination and must take the entire examination upon later application.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302541

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



SUBCHAPTER F. EXPERIENCE REQUIREMENTS

22 TAC §511.122

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.122 concerning Acceptable Work Experience.

Background, Justification and Summary

The credit received for the internship programs will apply to satisfy the requirement for work experience.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will put candidates and the public on notice that the credit hours earned during

the internship program will be counted toward the work experience required for licensure.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.122. *Acceptable Work Experience.*

(a) Work experience shall be gained under the supervision of CPAs who are currently licensed and in good standing with this board or with another state board of accountancy as defined in §511.124 of this chapter (relating to Acceptable Supervision), and who is experienced in the non-routine accounting area assigned to the applicant.

(b) Non-routine accounting involves attest services as defined in §501.52(4) of this title (relating to Definitions), or professional accounting services or professional accounting work as defined in §501.52(22) of this title, and the use of independent judgment, applying professional accounting knowledge and skills to select, correct, organize, interpret, and present real-world data as accounting entries, reports, statements, and analyses extending over a diverse range of tax, accounting, assurance, and control situations.

(c) Acceptable work experience shall be gained in the following categories or in any combination of these:

(1) Client practice of public accountancy. All client practice of public accountancy experience shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and the applicant is supervised, evaluated and reviewed by a CPA who is currently licensed and in good standing in a properly licensed CPA firm that is in good standing with the firm's licensing board.

(2) Unlicensed business entity. Work experience gained in an unlicensed business entity shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and the applicant is supervised, evaluated and reviewed by a CPA who is currently licensed and in good standing. Unlicensed business entity experience may include, but is not limited to:

- (A) providing management or financial advisory or consulting services;
- (B) preparing tax returns;
- (C) providing advice in tax matters;
- (D) providing forensic accounting services;
- (E) providing internal auditing services; and
- (F) business valuation services.

(3) Industry practice. All work experience gained in industry shall be internal to the organization and of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and may include: providing management or financial advisory internal services; preparing tax returns; providing advice in tax matters; providing forensic accounting services; and providing internal auditing services.

(A) Examples of industries may include, but are not limited to:

- (i) commercial business enterprise;
- (ii) non-profit/charitable organization;
- (iii) financial institution; and

(iv) health care entity.

(B) Acceptable industry work experience positions may include, but are not limited to:

(i) internal auditor;

(ii) staff, senior, fund or tax accountant;

(iii) accounting, financial or accounting systems analyst; and

(iv) controller.

(4) Government practice. All work experience gained in government shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and which meets the criteria in subparagraphs (A) - (E) of this paragraph. The board will review on a case-by-case basis experience which does not clearly meet the criteria identified in subparagraphs (A) - (E) of this paragraph. Acceptable government work experience includes, but is not limited to:

(A) employment in state government as an accountant or auditor at Salary Classification B14 or above, or a comparable rating;

(B) employment in federal government as an accountant, auditor or IRS revenue agent;

(C) employment as a special agent accountant with the Federal Bureau of Investigation or equivalent position at a governmental entity;

(D) military service, as an accountant or auditor as a Second Lieutenant or above; and

(E) employment with other governmental entities as an accountant or auditor.

(5) Law firm practice. All work experience gained in a law firm shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters comparable to the experience ordinarily found in a CPA firm, shall be under the supervision of a CPA or an attorney, and shall be in one or more of the following areas:

(A) tax-planning, compliance and litigation; and

(B) estate planning.

(6) Education.

(A) Internal work experience gained at an educational institution shall be of a non-routine accounting nature which continually requires independent thought and judgment on important accounting matters and may include: providing management or financial advisory internal services; preparing tax returns; providing advice in tax matters; providing forensic accounting services; and providing internal auditing services without an opinion.

(B) Work experience gained as an instructor at an educational institution may qualify if evidence is presented showing independent thought and judgment was used on non-routine accounting matters. Only the teaching of upper division courses on a full-time basis may be considered. All experience shall be supervised by the department chair or a faculty member who is a CPA.

(7) Internship. The board will consider, on a case-by-case basis, experience acquired through an approved accounting internship program, provided that the experience was non-routine accounting as defined by subsection (b) of this section. [If an accounting internship course is counted toward fulfilling the education requirement to take the

UCPAE, the internship may not be used to fulfill the work experience requirement.]

(8) Other. Work experience gained in other positions may be approved by the board as experience comparable to that gained in the practice of public accountancy under the supervision of a CPA upon certification by the person or persons supervising the applicant that the experience was of a non-routine accounting nature which continually required independent thought and judgment on important accounting matters.

(9) Self-employment may not be used to satisfy the work experience requirement unless approved by the board.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302542

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



SUBCHAPTER H. CERTIFICATION

22 TAC §511.161

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.161 concerning Qualifications for Issuance of a Certificate.

Background, Justification and Summary

The Board has removed the 3 semester hours of an ethics course in order to take the UCPAE with 120 hours. The proposed rule revision makes it clear that the 3 hours of ethics course work is required in order to become licensed and certified.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will clarify that the 3 hours of ethics course work remains a requirement to be licensed.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.161. *Qualifications for Issuance of a Certificate.*

The certificate of a CPA shall be granted by the board to an applicant who qualifies under the current Act and has met the following qualifications:

- (1) successfully completed the UCPAE;

(2) met the education requirements in §511.164 of this chapter (relating to Definition of 150 Semester Hours to Qualify for Issuance of a Certificate);

(3) successfully completed a 3-semester hour board-approved ethics course as defined by §511.164 of this chapter;

(4) [(3)] submitted an application prescribed by the board;

(5) [(4)] submitted the requisite fee, set by the board, for issuance of the certificate;

(6) [(5)] provided evidence of a lack of a history of dishonest or felonious acts or any criminal activity that might be relevant to the applicant's qualifications;

(7) [(6)] completed the fingerprint process that accesses the Federal Bureau of Investigation (FBI) and the Texas Department of Public Safety - Crime records division files;

(8) [(7)] submitted, on a form prescribed by the board, evidence of completion of the work experience requirements commensurate with the education requirements;

(9) [(8)] executed an oath of office stating support of the Constitution of the United States and of this state and the laws thereof, and compliance with the board's Rules of Professional Conduct;

(10) [(9)] an applicant who has completed a board-approved ethics course more than two years prior to the date of submitting an application for issuance of a CPA certificate must complete a board-approved four-hour ethics course of comprehensive study on the board's Rules of Professional Conduct;

(11) [(10)] successfully completed the examination on the board's Rules of Professional Conduct; and

(12) [(11)] provided any other information requested by the board.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302543

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §511.164

The Texas State Board of Public Accountancy (Board) proposes new rule §511.164 concerning Definition of 150 Semester Hours to Qualify for Issuance of a Certificate.

Background, Justification and Summary

This proposed new rule establishes the criteria for obtaining a license and certificate to become a CPA in Texas. It establishes the number of upper level accounting courses required at 27 plus a three-hour ethics course, maintains the advanced business course hours at 24 semester hours, maintains the minimum number of semester hours at 150, maintains the 3 semester hours of accounting or business ethics course work and identifies course work that does not qualify a candidate to become licensed and certified.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed new rule is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the new rule.

Public Benefit

The adoption of the proposed new rule identifies for candidates and the public the standards to become licensed and certified in Texas.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the new rule and a Local Employment Impact Statement is not required because the proposed new rule will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed new rule will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the new rule does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the new rule is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed new rule.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed new rule will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule

on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The new rule is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed new rule.

§511.164. Definition of 150 Semester Hours to Qualify for Issuance of a Certificate.

(a) To qualify for the issuance of a CPA certificate, an applicant must hold at a minimum a baccalaureate degree, conferred by a board-recognized institution of higher education as defined by §511.52 of this chapter (relating to Recognized Institutions of Higher Education), and have completed the board-recognized coursework identified in this section:

(1) no fewer than 27 semester hours or quarter-hour equivalents of upper level accounting courses as defined by §511.57 of this chapter (relating to Qualified Accounting Courses to take the UCPAE) or §511.60 of this chapter (relating to Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE);

(2) no fewer than 24 semester hours or quarter-hour equivalents of upper level related business courses, as defined by §511.58 of this chapter (relating to Definitions of Related Business Subjects to take the UCPAE);

(3) a three-semester-hour board-approved standalone course in accounting or business ethics. The course must be taken at a recognized educational institution and should provide students with a framework of ethical reasoning, professional values, and attitudes for exercising professional skepticism and other behavior in the best interest of the public and profession. The ethics course shall:

(A) include the ethics rules of the AICPA, the SEC, and the board;

(B) provide a foundation for ethical reasoning, including the core values of integrity, objectivity, and independence; and

(C) be taught by an instructor who has not been disciplined by the board for a violation of the board's rules of professional conduct, unless that violation has been waived by the board; and

(4) academic coursework at an institution of higher education as defined by §511.52 of this chapter, when combined with paragraphs (1) - (3) of this subsection meets or exceeds 150 semester hours, of which 120 semester hours meets the education requirements defined by §511.59 of this chapter (relating to Definition of 120 Semester Hours to take the UCPAE). An applicant who has met paragraphs (1) - (3) of this subsection may use a maximum of 9 total semester credit hours of undergraduate or graduate independent study and/or internships as defined in §511.51(b)(4) or §511.51(b)(5) of this chapter (relating to Educational Definitions) to meet this paragraph. The courses shall consist of:

(A) a maximum of three semester credit hours of independent study courses; and

(B) maximum of six semester credit hours of accounting/business course internships.

(b) The following courses, courses of study, certificates, and programs may not be used to meet the 150-semester hour requirement:

(1) any CPA review course offered by an institution of higher education or a proprietary organization;

(2) remedial or developmental courses offered at an educational institution; and

(3) credits awarded for coursework taken through the following organizations and shown on a transcript from an institution of higher education may not be used to meet the requirement of this chapter:

(A) American College Education (ACE);

(B) Prior Learning Assessment (PLA);

(C) Defense Activity for Non-Traditional Education Support (DANTES); and

(D) Defense Subject Standardized Test (DSST).

(c) The hours from a course that has been repeated will be counted only once toward the required semester hours.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302544

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



CHAPTER 520. PROVISIONS FOR THE FIFTH-YEAR ACCOUNTING STUDENTS SCHOLARSHIP PROGRAM

22 TAC §520.1

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.1 concerning Authority and Purpose.

Background, Justification and Summary

H.B. 2217, 88th Legislative Session eliminated the restriction that the scholarship fund would only be available to fifth year accounting students. The rule is proposed to be amended to delete any reference to "fifth year" students.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will clarify that the scholarship fund will be available to more than just fifth year accounting students.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.1. Authority and Purpose.

(a) Authority for this chapter is provided in Subchapter D, §901.155 of the Act, which is titled Scholarship Trust Fund for [Fifth-Year] Accounting Students. This chapter establishes procedures to administer the [fifth-year] accounting students scholarship program.

(b) The purpose of the [fifth-year] accounting students scholarship program is to provide financial assistance to students intending to take the UCPAE conducted for the purpose of obtaining a CPA certificate and thus increase the number of highly trained and educated CPAs available to serve the residents of this state.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302545

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §520.3

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.3 concerning Institutions.

Background, Justification and Summary

Recently adopted legislation revises the Fifth Year Accounting Student Scholarship Fund, as provided in the Public Accountancy Act, to open up the scholarship fund to accounting students with 15 hours of upper level accounting courses. Currently an accounting student must be in their fifth year of accounting.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will make the scholarship trust fund available to more college students and potentially make available to the public more CPAs with accounting expertise.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.3. Institutions.

- (a) Eligibility.

- (1) Any college or university defined as a public, private or independent institution of higher education by Texas Education Code, §61.003 that offers the courses required by §§511.57, 511.58 and 511.60 of this title (relating to Qualified Accounting Courses to take the UCPAE, Definitions of Related Business Subjects to take the UCPAE [and Ethics Courses] and Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE), is eligible to participate in the [fifth-year] accounting students scholarship program.

- (2) No institution may, on the grounds of race, color, national origin, gender, religion, age or disability exclude a student from participation in or deny the benefits of the program described in this chapter.

- (3) Each participating institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-353) in avoiding discrimination in admissions.

(b) Approval.

- (1) Each approved institution must enter into an agreement with the board, the terms of which shall be prescribed by the executive director.

- (2) An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive scholarships in the following fiscal year beginning September 1st.

(c) Responsibilities.

- (1) Probation Notice. If the institution is placed on public probation by its accrediting agency, it must immediately advise scholarship recipients of this condition and maintain evidence in each student's file to demonstrate that the student was so informed.

(2) Disbursements to Students.

- (A) The institution must maintain records to prove the disbursement of program funds to the student or the crediting of such funds to the student's school account.

- (B) If the executive director has reason to believe that an institution has disbursed funds for unauthorized purposes, the institution will be notified and offered an opportunity for a hearing pursuant to the applicable procedures outlined in Chapter 519 of this title (relating to Practice and Procedure) and the rules of procedure of SOAH. Thereafter, if the board determines that funds have been improperly disbursed, the institution shall become responsible for restoring the funds to the board. No further disbursements of scholarship funds shall be permitted to students at that institution until the funds have been repaid.

(d) Reporting.

- (1) All institutions must meet board reporting requirements. Such reporting requirements shall include reports specific to allocation of scholarship funds as well as progress and year-end reports.

(2) Penalties for Late Reports.

- (A) The executive director may penalize an institution by reducing its allocation of funds in the following year by up to 10 percent for each progress report that is postmarked or submitted electronically more than a week (seven (7) calendar days) late.

- (B) The executive director may assess more severe penalties against an institution if any report is received by the board more than one month (thirty (30) calendar days) after its due date. The maximum penalty for a single year is 30 percent of the school's allocation. If penalties are invoked two consecutive years, the institution may be penalized an additional 20 percent.

(3) If the executive director determines that a penalty is appropriate, the institution will be notified by certified mail, addressed to the program officer. Within 21 days from the date that the program officer receives the written notice, the institution must submit a written response appealing the board's decision, or the penalty shall become final and no longer subject to an appeal. An appeal under this section will be conducted in accordance with the rules provided in the applicable sections of Chapter 519 of this title and the procedural rules of SOAH.

(e) Program Reviews. If selected for such by the board, participating institutions must submit to program reviews of activities related to the [fifth-year] accounting students scholarship program.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302546

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §520.4

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.4 concerning Eligible Students.

Background, Justification and Summary

Recently adopted legislation increases the availability of the scholarship fund to more accounting students. To be eligible, the student may be an undergraduate student. The proposed rule makes it clear that a student is not eligible if they already have sufficient hours to be certified.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment makes accounting students and the public aware of the expanded availability of the scholarship trust fund.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obliga-

tions upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.4. Eligible Students.

(a) To receive funds [; a student must]:

(1) an undergraduate student majoring in accounting must be enrolled at least half-time at an approved institution in Texas that is participating in the scholarship program, and attending consecutive semesters or in the final semester of the degree; or

(2) [(+) a graduate student majoring in accounting must be enrolled [en] at least [a] half-time [basis] or in the final semester of the

degree at an approved institution in Texas that is participating in the scholarship program.

{(2) maintain satisfactory academic progress in the program of study as defined by the institution;}

{(3) have completed at least 120 credit hours of college work, including at least 15 hours of accounting;}

{(4) sign a written statement confirming the intent to take the examination conducted by or pursuant to the authority of the board for the purpose of obtaining a certificate of "certified public accountant" in Texas;}

{(5) agree to pay on demand all scholarship funds received if the student does not sit for at least one part of the exam within three years of submitting the application of intent, unless the executive director grants an extension of the three-year requirement upon a showing of good cause;}

{(6) agree that failure to comply with paragraph (5) of this subsection may cause the board to take measures necessary to enforce the repayment of the scholarship including bringing a civil suit in state district court;}

{(7) confirm that the Application of Intent has not been approved or that the applicant has not been approved to take the CPA examination in Texas or another jurisdiction;}

{(8) maintain a cumulative grade point average, as determined by the institution, that is equal to or greater than the grade point average required by the institution for graduation;}

{(9) be a resident of Texas; and}

{(10) have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.}

(b) To receive funds, a student must:

(1) maintain satisfactory academic progress in the program of study as defined by the institution;

(2) have completed at least 15 semester hours of upper-level accounting coursework;

(3) sign a written statement confirming the intent to take the examination conducted by or pursuant to the authority of the board for the purpose of obtaining a certificate of "certified public accountant" in Texas;

(4) agree to pay on demand all scholarship funds received if the student does not take at least one part of the exam within three years of submitting the application of intent, unless the executive director grants an extension of the three-year requirement upon a showing of good cause;

(5) agree that failure to comply with paragraph (4) of this subsection may cause the board to take measures necessary to enforce the repayment of the scholarship including bringing a civil suit in state district court;

(6) confirm that the applicant submitted an Application of Intent and has not met the educational requirements for certification in Texas ;

(7) maintain a cumulative grade point average, as determined by the institution, that is equal to or greater than the grade point average required by the institution for graduation;

(8) be a resident of Texas; and

(9) have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.

(c) [(b)] In selecting recipients the Program Officer shall consider at a minimum the following factors relating to each applicant:

(1) the applicant's financial need, which may be based on but not limited to the cost of the applicant attending school less family contribution and any gift aid (an award may not exceed the applicant's need nor be less than the amount calculated in accordance with the formula provided institutions in the application instructions);

(2) scholastic ability and performance as measured by the student's cumulative college grade point average as determined by the institution in which the student is enrolled; and

(3) ethnic or racial minority status.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302547

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



22 TAC §520.5

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.5 concerning Award Amounts and Uses.

Background, Justification and Summary

The proposed rule establishes the period of a scholarship to be no more than three years.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment is to assure that the scholarship fund monies are fully utilized by students intending to become certified.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on

small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.5. Award Amounts and Uses.

(a) Funds awarded through this program may include any gifts, grants and donations of real or personal property from any entity, subject to limitations or conditions set by law, for the purposes of this chapter.

(b) Award Amount and Disbursements.

(1) The minimum and maximum annual award for a student through this program shall be an amount established by the board and announced to institutions in the allocation announcement sent out for the relevant year.

(2) An individual student's scholarship shall be paid out in the form of at least one disbursement per semester.

(c) No scholarship disbursed to a student shall be used for any purpose other than for meeting the cost of attending an approved institution.

(d) The duration of the scholarship shall be a maximum of three years awarded by semester or term.

(e) [(d)] At the time an award is made to a student, it shall not exceed the student's need.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302548

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



CHAPTER 521. FEE SCHEDULE

22 TAC §521.14

The Texas State Board of Public Accountancy (Board) proposes an amendment to §521.14 concerning Eligibility Fee.

Background, Justification and Summary

The AICPA has substantially revised the UCPAE. This rule identifies the effective date of the revisions as January 1, 2024 and identifies the six disciplines that will be on the exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will identify the effective date of the new UCPAE and the disciplines that exam candidates can expect.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 28, 2023.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, §901.655 and §901.307(b) which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§521.14. Eligibility Fee.

(a) The board shall determine the UCPAE eligibility fee for each section for which an applicant is eligible and applies.

- (1) Auditing and Attestation

- (2) Financial Accounting and Reporting
- (3) Regulation
- (4) Business Environment and Concepts

(b) Effective January 1, 2024, the board shall utilize the UCPAE available from the AICPA covering the following sections:

- (1) auditing and attestation (AUD);
- (2) business analysis and reporting (BAR);
- (3) financial accounting and reporting (FAR);
- (4) information systems and controls (ISC);
- (5) taxation and regulation (REG); and
- (6) tax compliance and planning (TCP).

(c) [(b)] The eligibility fee shall be paid to the Texas State Board of Public Accountancy. This is a non-refundable fee.

(d) An applicant taking a section of the UCPAE shall pay an examination fee to NASBA, when required by NASBA.

(e) [(e)] The eligibility fee may be paid electronically through the Texas Online system and applicable processing fees for the use of this service will be added to the total fee paid.

(f) [(f)] Upon receipt by the board of an incomplete application, an applicant has 180 days to complete the application. If the application is not completed within that time, the application is terminated, the eligibility fee is forfeited and the applicant must file a new application and pay a new eligibility fee to continue with the examination process.

(g) [(g)] The fee paid shall be valid for 180 [90] days after the board determines that an applicant is eligible for a section of the UCPAE. The board may extend the 180-day [90-day] eligibility to accommodate the psychometric evaluation and performance of test questions by the test provider.

(h) [(h)] A military service member or military veteran who is eligible to take the UCPAE is exempt from the eligibility fee.

(i) [(i)] The exemption from the eligibility fee must be evidenced by an active ID, state-issued driver's license with a veteran designation or DD214.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302549

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 305-7842



TITLE 25. HEALTH SERVICES

PART 7. TEXAS MEDICAL DISCLOSURE PANEL

CHAPTER 601. INFORMED CONSENT

The Texas Medical Disclosure Panel (Panel) is proposing a repeal of §§601.1 - 601.9, concerning Informed Consent, in the Texas Administrative Code, Title 25, Part 7, Chapter 601 and replacement with new §601.1 and §601.2, concerning General.

BACKGROUND AND PURPOSE

The repeals and new rules are proposed in accordance with Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure.

The purpose of this project is to repeal current 25 TAC Chapter 601, Informed Consent, and replace it in a nonsubstantive manner with multiple chapters in order to make the Panel's determinations regarding risks and hazards related to medical care and surgical procedures more accessible to the public and more user-friendly.

The proposed new Chapter 601 will contain the purpose and history of the rules at 25 TAC Part 7, Texas Medical Disclosure Panel.

The proposed new Chapter 602 will list each type of treatment and procedure that the Panel has determined requires full disclosure of the risks and hazards associated with it in a separate section, instead of in a single section at the repealed §601.2. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 603 will list each type of treatment and procedure that the Panel has determined requires no disclosure of the risks and hazards associated with it in a separate section, instead of in a single section at the repealed §601.3. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 604 will contain general, radiation therapy, electroconvulsive therapy, hysterectomy, and anesthesia and/or perioperative pain management disclosure and consent forms. These new rules are published elsewhere in this issue of the *Texas Register*.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §§601.1 - 601.9 removes the rules from Chapter 601, concerning Informed Consent, and places in new Chapters 601 - 604.

The proposed new §601.1 outlines the purpose of the chapter, where the list of treatments and procedures requiring full disclosure by a physician or health care provider will be found, where the list of treatments and procedures requiring no disclosure by a physician or a health care provider will be found, and where the disclosure and consent forms adopted by the Panel will be found.

The proposed new §601.2 provides an overview of the history of the procedures requiring full disclosure--List A and the procedures requiring no disclosure--List B prior to this rule project.

FISCAL NOTE

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules do not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

The Panel has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to HHSC;
- (5) the proposed rules will create new rules;
- (6) the proposed rules will repeal existing rules;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the Panel has insufficient information to determine the proposed rules' effect on the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Dr. Appel has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

The Panel is unable to provide an estimate of the number of small businesses and micro businesses affected.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules are necessary to protect the health, safety, and welfare of the residents of Texas and does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years the rules are in effect, the public benefit will be improved consistency and clarity in this section of the Texas Administrative Code.

AND:

Dr. Appel has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules.

TAKINGS IMPACT ASSESSMENT

The Panel has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Kayla Cates-Brown, Program Manager II, Advisory Committee Coordination Office, Chief Policy and Rules, Health and Human

Services Commission, 701 West 51st Street, Suite 216A, Austin, Texas 78751; Mail Code 0223, P.O. Box 13247, Austin, Texas 78711; fax (512) 206-3984; office (512) 438-2889, or by email to HHSC_TMDDP@hhsc.state.tx.us.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) faxed or emailed before midnight on the last day of the comment period. If last day to submit comments falls on a holiday, comments must be post-marked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule" in the subject line.

25 TAC §§601.1 - 601.9

STATUTORY AUTHORITY

The repeals are authorized under Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure, and §74.103, which requires the Panel to prepare lists of medical treatments and surgical procedures that do and do not require disclosure by physicians and health care providers of the possible risks and hazards, and to prepare the forms for the treatments and procedures which do require disclosure.

The repeals implement Texas Civil Practice and Remedies Code Chapter 74, Subchapter C.

§601.1. *General.*

§601.2. *Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A.*

§601.3. *Procedures Requiring No Disclosure of Specific Risks and Hazards--List B.*

§601.4. *Disclosure and Consent Form.*

§601.5. *Disclosure and Consent Form for Radiation Therapy.*

§601.6. *History.*

§601.7. *Informed Consent for Electroconvulsive Therapy.*

§601.8. *Disclosure and Consent Form for Hysterectomy.*

§601.9. *Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia).*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 17, 2023.

TRD-202302558

Dr. Noah Appel

Panel Chairman

Texas Medical Disclosure Panel

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 438-2889



CHAPTER 601. GENERAL

25 TAC §601.1, §601.2

STATUTORY AUTHORITY

The new rules are authorized under Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure, and §74.103, which requires the Panel to prepare lists of medical treatments and surgical procedures that do and do not require disclosure by physicians and health care providers of the possible risks and hazards, and to prepare the forms for the treatments and procedures which do require disclosure.

The new rules implement Texas Civil Practice and Remedies Code Chapter 74, Subchapter C.

§601.1. *Purpose.*

(a) The purpose of Chapters 601 - 604 of this title is to implement the duties of the Texas Medical Disclosure Panel under Texas Civil Practice and Remedies Code, Chapter 74 (relating to Medical Liability), Subchapter C (relating to Informed Consent), §§74.101-74.107.

(b) The treatments and procedures requiring full disclosure of related risks and hazards by a physician or health care provider to a patient or person authorized to consent for the patient are found in Chapter 602 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A).

(c) The treatments and procedures requiring no disclosure of related risks and hazards by a physician or health care provider to a patient or person authorized to consent for the patient are found in Chapter 603 of this title (relating to Procedures Requiring No Disclosure of Specific Risks and Hazards--List B).

(d) The disclosure and consent forms adopted by the Panel are found in Chapter 604 of this title (relating to Disclosure Forms).

§601.2. *History.*

(a) The procedures requiring full disclosure--List A, the procedures requiring no disclosure--List B and the disclosure and consent form were first published in the December 15, 1981, issue of the *Texas Register* as §601.1 of this title (relating to Procedures Requiring Full Disclosure (List A)), §601.2 of this title (relating to Procedures Requiring No Disclosure (List B)), and §601.3 of this title (relating to Disclosure and Consent Form) and initially became effective on June 1, 1982.

(b) The first amendments to §601.1 of this title and §601.2 of this title were published in the December 3, 1982, issue of the *Texas Register* and became effective on January 1, 1983.

(c) The second amendments to §601.1 of this title and §601.2 of this title were published in the November 23, 1984, issue of the *Texas Register* and became effective on January 1, 1985.

(d) The third amendments to §601.1 of this title and §601.2 of this title were published in the April 19, 1988, issue of the *Texas Register* and became effective on May 2, 1988.

(e) The fourth amendment to §601.1 of this title was published in the July 21, 1989, issue of the *Texas Register* and became effective on August 3, 1989.

(f) Further amendments to §601.1 of this title and §602.2 of this title and new §601.4 of this title (relating to Radiation Therapy

Disclosure and Consent Form) were published in the February 2, 1990, issue of the *Texas Register* and became effective on May 3, 1990.

(g) Effective October 3, 1995, §§601.1 - 601.4 of this title were repealed and replaced with new §601.1 of this title (relating to General), §601.2 of this title (relating to Procedures Requiring Full Disclosure (List A)), §601.3 of this title (relating to Procedures Requiring No Disclosure (List B)), and §601.4 of this title (relating to Disclosure and Consent Form), §601.5 of this title (relating to Radiation Therapy Disclosure and Consent Form), this section, and §601.7 of this title (relating to Informed Consent for Electroconvulsive Therapy). The sections were repealed to incorporate List A and List B into *Texas Register* format. In addition, sections were added to include general provisions; to provide a history of the rules of the panel; and to adopt a section which addresses informed consent for electroconvulsive therapy.

(h) Effective October 23, 1997, §601.2 of this title was amended to update risks and hazards requiring full disclosure prior to performing abdominal endoscopic/laparoscopy procedures and endoscopic surgery of the thorax.

(i) Effective February 18, 1998, §601.4 of this title and this section were amended and new §601.8 of this title (relating to Hysterectomy Disclosure and Consent Form) were added to address legislative requirements relating to informed consent for hysterectomies. Section 601.8 of this title adopts a form to be used in providing informed consent prior to performing a hysterectomy and applies to hysterectomies performed at least 90 days after the date of publication of adopted §601.8 of this title in the *Texas Register*.

(j) Effective September 1, 2003, by Acts 2003, 78th Texas Legislature, Regular Session, Chapter 204, §10.01, Texas Civil Statutes, Article 4590i, Subchapter F, relating to informed consent was recodified to the Texas Civil Practice and Remedies Code, Chapter 74, Medical Liability, Subchapter C, §74.102 (relating to Texas Medical Disclosure Panel).

(k) Effective March 18, 2004, §601.2 of this title (relating to Procedures Requiring Full Disclosure--List A) was amended to include the addition of clarifying and new language to subsection (g) concerning female genital system treatments and procedures. Risks were identified for dilation and curettage of uterus (diagnostic/therapeutic); surgical abortion/dilation and curettage/dilation and curettage/dilation and evacuation; and medical abortion/non-surgical procedures.

(l) Effective October 16, 2005, §601.2 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A) was amended to include the addition of clarifying and new language concerning the cardiovascular system and nervous system treatments and procedures. Section 601.3 of this title (relating to Procedures Requiring No Disclosure of Specific Risks and Hazards--List B) was amended to remove procedures relating to the nervous system and radiology. Sections 601.4 and 601.5 were amended to include a Spanish language version of the disclosure and consent form for medical and surgical procedures, and the disclosure and consent form for radiation therapy. Section 601.8 was amended to make editorial corrections to the disclosure and consent for hysterectomy form and correct a difference between the English and Spanish language versions of the form.

(m) Effective March 4, 2007, §601.2 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A) was amended to include procedures and risks and hazards for anesthesia, the digestive system treatments and procedures, the endocrine system treatments and procedures, and the hematic and lymphatic system. Section 601.3 of this title (relating to Procedures Requiring No Disclosure of Specific Risks and Hazards--List B) was amended to add and rename procedures relating to the digestive system.

(n) Effective January 16, 2012, §601.2 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A) was amended to revise and include procedures and risks and hazards for the cardiovascular system, digestive system treatments and procedures, eye treatments and procedures, female genital system treatments and procedures, male genital system, maternity and related cases, musculoskeletal system treatments and procedures, radiology, respiratory system treatments and procedures, urinary system and pain management procedures. Section 601.3 of this title (relating to Procedures Requiring No Disclosure of Specific Risks and Hazards--List B) was amended to revise and include procedures relating to maternity and related cases, musculoskeletal system, respiratory system, urinary system, and pain management procedures. Section 601.9 of this title (relating to Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia)) was added to include a disclosure and consent form for anesthesia and/or perioperative pain management (analgesia).

(o) Effective December 5, 2012, §601.2 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A) was amended to revise and include procedures and risks and hazards for the following systems: anesthesia, cardiovascular, musculoskeletal, and radiology. Section 601.3 of this title (relating to Procedures Requiring No Disclosure of Specific Risks and Hazards--List B) was amended to revise and include procedures for the following systems: cardiovascular, musculoskeletal, and radiology. A Spanish language version of the Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia) was added to §601.9 of this title (relating to Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia)).

(p) Effective January 15, 2015, §601.2 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A) was amended to revise procedures and risks and hazards for the Hematic and Lymphatic System. Additionally, a new subsection (u) was added for Dental Surgery Procedures. Section 601.3 of this title (relating to Procedures Requiring No Disclosure of Specific Risks and Hazards--List B) was amended to revise procedures for anesthesia. Section 601.9 of this title (relating to Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia)) was amended to add Deep Sedation and Moderate Sedation to the anesthesia consent form. Both the English and Spanish language versions of the forms were amended.

(q) Effective January 7, 2016, §601.2 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A) was amended to revise procedures and risks and hazards for female genital system treatments and procedures and laparoscopic/thoracoscopic surgery, and adds a new subsection (v) plastic surgery. Section 601.4 of this title (relating to Disclosure and Consent Form) for medical and surgical procedures, and §601.8 of this title (relating to Disclosure and Consent Form for Hysterectomy) were amended to add risks and hazards related to the use of blood and blood products, risks and hazards related to the use of a power morcellator in laparoscopic surgery, and deletion of references to anesthesia.

(r) Effective December 24, 2017, §601.2 of this title was amended to revise procedures and risks and hazards for Anesthesia. Section 601.9 of this title (relating to Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia)) was amended to remove "Monitored Anesthesia Care" and to add risks and hazards related to potential long-term negative effects with the use of prolonged (greater than 3 hours) or repeated exposure to anesthesia on the fetus of a woman in her 3rd trimester of pregnancy and on a child up to 3 years of age.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 17, 2023.

TRD-202302559

Dr. Noah Appel

Panel Chairman

Texas Medical Disclosure Panel

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 438-2889



CHAPTER 602. PROCEDURE REQUIRING FULL DISCLOSURE OF SPECIFIC RISKS AND HAZARDS--LIST A

25 TAC §§602.1 - 602.22

The Texas Medical Disclosure Panel (Panel) is proposing new §§602.1 - 602.22, concerning Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A, in the Texas Administrative Code, Title 25, Part 7, Chapter 602.

BACKGROUND AND PURPOSE

These rule repeals and new rules are proposed in accordance with Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure.

The purpose of this project is to repeal current 25 TAC Chapter 601, Informed Consent, and replace it in a nonsubstantive manner with multiple chapters in order to make the Panel's determinations regarding risks and hazards related to medical care and surgical procedures more accessible to the public and more user-friendly.

The proposed new Chapter 601 will contain the purpose and history of the rules at 25 TAC Part 7, Texas Medical Disclosure Panel. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 602 will list each type of treatment and procedure that the Panel has determined requires full disclosure of the risks and hazards associated with it in a separate section, instead of in a single section at the repealed §601.2.

The proposed new Chapter 603 will list each type of treatment and procedure that the Panel has determined requires no disclosure of the risks and hazards associated with it in a separate section, instead of in a single section at the repealed §601.3. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 604 will contain general, radiation therapy, electroconvulsive therapy, hysterectomy, and anesthesia and/or perioperative pain management disclosure and consent forms. These new rules are published elsewhere in this issue of the *Texas Register*.

SECTION-BY-SECTION SUMMARY

Proposed new §602.1, Anesthesia treatments and procedures, lists the anesthesia treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.2, Cardiovascular system treatments and procedures, lists the cardiovascular system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.3, Digestive system treatments and procedures, lists the digestive system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.4, Ear treatments and procedures, lists the ear treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.5, Endocrine system treatments and procedures, lists the endocrine system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.6, Eye treatments and procedures, lists the eye treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.7, Female genital system treatments and procedures, lists the female genital system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.8, Hematic and lymphatic system treatments and procedures, lists the hematic and lymphatic system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.9, Breast surgery (non-cosmetic) treatments and procedures, lists the breast surgery (non-cosmetic) treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.10, Male genital system treatments and procedures, lists the male genital system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.11, Maternity and related cases treatments and procedures, lists the maternity and related cases treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.12, Musculoskeletal system treatments and procedures, lists the musculoskeletal system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.13, Nervous system treatments and procedures, lists the nervous system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.14, Radiology treatments and procedures, lists the radiology treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.15, Respiratory system treatments and procedures, lists the respiratory system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.16, Urinary system treatments and procedures, lists the urinary system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.17, Psychiatric treatments and procedures, lists the psychiatric treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.18, Radiation therapy treatments and procedures, lists the radiation therapy treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §601.19, Laparoscopic, thoracoscopic and robotic surgery treatments and procedures, lists the laparoscopic, thoracoscopic and robotic surgery treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.20, Pain management treatments and procedures, lists the pain management treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.21, Dental surgery treatments and procedures, lists the dental surgery treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

Proposed new §602.22, Plastic surgery and surgery of the integumentary system treatments and procedures, lists the plastic surgery and surgery of the integumentary system treatments and procedures that the Panel has determined require full disclosure of the risks and hazards associated with them.

FISCAL NOTE

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules do not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

The Panel has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to HHSC;
- (5) the proposed rules will create new rules;
- (6) the proposed rules will not expand, limit, or repeal existing rules;
- (7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the Panel has insufficient information to determine the proposed rules' effect on the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Dr. Appel has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

HHSC is unable to provide an estimate of the number of small businesses and micro businesses affected.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules are necessary to protect the health, safety, and welfare of the residents of Texas and does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years the rules are in effect, the public benefit will be improved consistency and clarity in this section of the Texas Administrative Code.

AND:

Dr. Appel has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules.

TAKINGS IMPACT ASSESSMENT

The Panel has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Kelli Weldon, TMDP Liaison, Health and Human Services Commission, 701 West 51st Street, Suite 216A, Austin, Texas 78751; Mail Code 0223, P.O. Box 13247, Austin, Texas 78711; fax (512) 206-3984; office (512) 438-2889, or by email to HHSC_TMDP@hhsc.state.tx.us.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) faxed or emailed before midnight on the last day of the comment period. If last day to submit comments falls on a holiday, comments must be post-marked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule" in the subject line.

STATUTORY AUTHORITY

The new sections are authorized under Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical pro-

cedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure, and §74.103, which requires the Panel to prepare lists of medical treatments and surgical procedures that do and do not require disclosure by physicians and health care providers of the possible risks and hazards, and to prepare the forms for the treatments and procedures which do require disclosure.

The new sections implement Texas Civil Practice and Remedies Code Chapter 74, Subchapter C.

§602.1. Anesthesia Treatments and Procedures.

(a) Epidural.

- (1) Nerve damage.
- (2) Persistent back pain.
- (3) Headache.
- (4) Bleeding/epidural hematoma.
- (5) Infection.
- (6) Medical necessity to convert to general anesthesia.
- (7) Brain damage.
- (8) Chronic pain.

(b) General.

- (1) Permanent organ damage.
- (2) Memory dysfunction/memory loss.
- (3) Injury to vocal cords, teeth, lips, eyes.
- (4) Awareness during the procedure.
- (5) Brain damage.

(c) Spinal.

- (1) Nerve damage.
- (2) Persistent back pain.
- (3) Bleeding/epidural hematoma.
- (4) Infection.
- (5) Medical necessity to convert to general anesthesia.
- (6) Brain damage.
- (7) Headache.
- (8) Chronic pain.

(d) Regional block.

- (1) Nerve damage.
- (2) Persistent pain.
- (3) Bleeding/hematoma.
- (4) Infection.
- (5) Medical necessity to convert to general anesthesia.
- (6) Brain damage.

(e) Deep sedation.

- (1) Memory dysfunction/memory loss.
- (2) Medical necessity to convert to general anesthesia.
- (3) Permanent organ damage.

(4) Brain damage.

(f) Moderate sedation.

- (1) Memory dysfunction/memory loss.
- (2) Medical necessity to convert to general anesthesia.
- (3) Permanent organ damage.
- (4) Brain damage.

(g) Prenatal/Early Childhood Anesthesia. Potential long-term negative effects on memory, behavior, and learning with prolonged or repeated exposure to general anesthesia/moderate sedation/deep sedation during pregnancy and in early childhood.

§602.2. Cardiovascular System Treatments and Procedures.

(a) Cardiac.

(1) Coronary artery bypass.

- (A) Acute myocardial infarction (heart attack).
- (B) Hemorrhage (severe bleeding).
- (C) Kidney failure.
- (D) Stroke.
- (E) Sudden death.
- (F) Infection of chest wall/chest cavity.

(2) Heart valve replacement by open surgery, structural heart surgery.

- (A) Acute myocardial infarction (heart attack).
- (B) Hemorrhage (severe bleeding).
- (C) Kidney failure.
- (D) Stroke.
- (E) Sudden death.
- (F) Infection of chest wall/chest cavity.
- (G) Valve related delayed onset infection.
- (H) Malfunction of new valve.

(I) Persistence of problem for which surgery was performed, including need for repeat surgery.

(3) Heart transplant.

- (A) Infection.
- (B) Rejection.
- (C) Death.

(4) Coronary angiography (Injection of contrast material into arteries of the heart), coronary angioplasty (opening narrowing in heart vessel), and coronary stent insertion (placement of permanent tube into heart blood vessel to open it).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

- (C) Hemorrhage (severe bleeding).
- (D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy (kidney damage due to the contrast agent used during the procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(5) Percutaneous (through the skin) or minimally invasive heart valve insertion/replacement.

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

(C) Hemorrhage (severe bleeding).

(D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy (kidney damage due to the contrast agent used during the procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Malfunction of new valve.

(K) Need for permanent pacemaker implantation.

(6) Left atrial appendage closure (closing of small pouch on left side of heart) - percutaneous (through the skin) or minimally invasive.

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

(C) Hemorrhage (severe bleeding).

(D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy (kidney damage due to the contrast agent used during the procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Device embolization (device moves from intended location).

(K) Pericardial effusion (development of fluid in the sack around the heart) and cardiac tamponade (fluid around heart causing too much pressure for heart to pump properly).

(7) Patent foramen ovale/atrial septal defect/ventricular septal defect closure by percutaneous (through the skin) or minimally invasive procedure (closing of abnormal hole between the chambers of the heart).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

(C) Hemorrhage (severe bleeding).

(D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy (kidney damage due to the contrast agent used during the procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Atrial fibrillation (irregular heart rhythm).

(K) Pulmonary embolus (development of blood clot that travels to blood vessels in lungs).

(L) Device embolization (device moves from where it is placed).

(M) Cardiac perforation (creation of hole in wall of heart).

(8) Electrophysiology studies (exams of heart rhythm), arrhythmia ablation (procedure to control or stop abnormal heart rhythms).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

(C) Hemorrhage (severe bleeding).

(D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy (kidney damage due to the contrast agent used during the procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Rupture of myocardium/cardiac perforation (hole in wall of heart).

(K) Cause or worsening of arrhythmia (damage to heart electrical system causing abnormal heart rhythm), possibly requiring permanent pacemaker implantation, possibly life threatening.

(L) Pulmonary vein stenosis (narrowing of blood vessel going from lung to heart).

(9) Pacemaker insertion, AICD insertion (implanted device to shock the heart out of an abnormal rhythm).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

(C) Hemorrhage (severe bleeding).

(D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy (kidney damage due to the contrast agent used during the procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Rupture of myocardium/cardiac perforation (hole in wall of heart).

(K) Cause or worsening of arrhythmia (damage to heart electrical system causing abnormal heart rhythm), possibly requiring permanent pacemaker implantation, possibly life threatening.

(L) Device related delayed onset infection (infection related to the device that happens at some time after surgery).

(10) Electrical cardioversion (shocking the heart out of an abnormal rhythm).

(A) Heart arrhythmias (abnormal heart rhythm), possibly life threatening.

(B) Skin burns on chest.

(11) Stress testing.

(A) Acute myocardial infarction (heart attack).

(B) Heart arrhythmias (abnormal heart rhythm), possibly life threatening.

(12) Transesophageal echocardiography (ultrasound exam of the heart from inside the throat).

(A) Sore throat.

(B) Vocal cord damage.

(C) Esophageal perforation (hole or tear in tube from mouth to stomach).

(13) Circulatory assist devices (devices to help heart pump blood).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

(C) Hemorrhage (severe bleeding).

(D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy or other kidney injury (kidney damage due to the contrast agent used during the procedure or procedure itself).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Hemorrhage (severe bleeding) possibly leading to sudden death.

(K) Hemolysis (blood cells get broken apart).

(L) Right heart failure (poor functioning of the side of heart not assisted by device).

(M) Acquired von Willebrand syndrome (platelets do not work).

(N) Arrhythmia (irregular or abnormal heart rhythm).

(O) Cardiac or vascular injury or perforation (hole in heart or blood vessel).

(P) Limb ischemia (lack of blood flow or oxygen to limb that device placed through).

(Q) Device migration or malfunction.

(R) Exposure of device/wound break down with need for surgery to cover/reimplant.

(14) Extracorporeal Membrane Oxygenation (ECMO).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention including emergency open heart surgery.

(B) Arrhythmia (abnormal heart rhythm), possibly life threatening.

(C) Hemorrhage (severe bleeding).

(D) Myocardial infarction (heart attack).

(E) Worsening of the condition for which the procedure is being done.

(F) Sudden death.

(G) Stroke.

(H) Contrast nephropathy or other kidney injury (kidney damage due to the contrast agent used during the procedure or procedure itself).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Thrombocytopenia (low platelets) or other coagulopathy (blood thinning).

(K) Vascular or cardiac perforation (hole in blood vessel or heart).

(L) Seizure.

(M) Device migration or malfunction.

(N) Ischemia to limb (lack of blood flow or oxygen to limb that device placed through).

(O) Thromboembolism (blood clots in blood vessels or heart and possibly traveling to blood vessels in lungs).

(b) Vascular.

(1) Open surgical repair of aortic, subclavian, iliac, or other artery aneurysms or occlusions, arterial or venous bypass or other vascular surgery.

(A) Hemorrhage (severe bleeding).

(B) Paraplegia (unable to move limbs) (for surgery involving the aorta or other blood vessels to the spine).

(C) Damage to parts of the body supplied or drained by the vessel with resulting loss of use or amputation (removal of body part).

(D) Worsening of the condition for which the procedure is being done.

(E) Stroke (for surgery involving blood vessels supplying the neck or head).

(F) Kidney damage.

(G) Myocardial infarction (heart attack).

(H) Infection of graft (material used to repair blood vessel).

(2) Angiography (inclusive of aortography, arteriography, venography) - Injection of contrast material into blood vessels.

(A) Injury to or occlusion (blocking) of artery which may require immediate surgery or other intervention.

(B) Hemorrhage (severe bleeding).

(C) Damage to parts of the body supplied by the artery or drained by the vessel with resulting loss of use or amputation (removal of body part).

(D) Worsening of the condition for which the procedure is being done.

(E) Stroke and/or seizure (for procedures involving blood vessels supplying the spine, arms, neck or head).

(F) Contrast-related, temporary blindness or memory loss (for studies of the blood vessels of the brain).

(G) Paralysis (inability to move) and inflammation of nerves (for procedures involving blood vessels supplying the spine).

(H) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(3) Angioplasty (intravascular dilatation technique).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention.

(B) Hemorrhage (severe bleeding).

(C) Damage to parts of the body supplied by the artery or drained by the vessel with resulting loss of use or amputation (removal of body part).

(D) Worsening of the condition for which the procedure is being done.

(E) Stroke and/or seizure (for procedures involving blood vessels supplying the spine, arms, neck or head).

(F) Contrast-related, temporary blindness or memory loss (for studies of the blood vessels of the brain).

(G) Paralysis (inability to move) and inflammation of nerves (for procedures involving blood vessels supplying the spine).

(H) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Failure of procedure or injury to blood vessel requiring stent (small, permanent tube placed in blood vessel to keep it open) placement or open surgery.

(4) Endovascular stenting (placement of permanent tube into blood vessel to open it) of any portion of the aorta, iliac or carotid artery or other (peripheral) arteries or veins.

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention.

(B) Hemorrhage (severe bleeding).

(C) Damage to parts of the body supplied by the artery or drained by the vessel with resulting loss of use or amputation (removal of body part).

(D) Worsening of the condition for which the procedure is being done.

(E) Stroke and/or seizure (for procedures involving blood vessels supplying the spine, arms, neck or head).

(F) Contrast-related, temporary blindness or memory loss (for studies of the blood vessels of the brain).

(G) Paralysis (inability to move) and inflammation of nerves (for procedures involving blood vessels supplying the spine).

(H) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(I) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(J) Failure of procedure or injury to blood vessel requiring stent (small, permanent tube placed in blood vessel to keep it open) placement or open surgery.

(K) Change in procedure to open surgical procedure.

(L) Failure to place stent/endoluminal graft (stent with fabric covering it).

(M) Stent migration (stent moves from location in which it was placed).

(N) Impotence (difficulty with or inability to obtain penile erection) (for abdominal aorta and iliac artery procedures).

(5) Vascular thrombolysis (removal or dissolving of blood clots) - percutaneous (through the skin) (mechanical or chemical).

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention.

(B) Hemorrhage (severe bleeding).

(C) Damage to parts of the body supplied by the artery or drained by the vessel with resulting loss of use or amputation (removal of body part).

(D) Worsening of the condition for which the procedure is being done.

(E) Stroke and/or seizure (for procedures involving blood vessels supplying the spine, arms, neck or head).

(F) Contrast-related, temporary blindness or memory loss (for studies of the blood vessels of the brain).

(G) Paralysis (inability to move) and inflammation of nerves (for procedures involving blood vessels supplying the spine).

(H) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(I) Kidney injury or failure which may be temporary or permanent (for procedures using certain mechanical thrombectomy devices).

(J) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(K) Increased risk of bleeding at or away from site of treatment (when using medications to dissolve clots).

(L) For arterial procedures: distal embolus (fragments of blood clot may travel and block other blood vessels with possible injury to the supplied tissue).

(M) For venous procedures: pulmonary embolus (fragments of blood clot may travel to the blood vessels in the lungs and cause breathing problems or if severe could be life threatening).

(N) Need for emergency surgery.

(6) Angiography with occlusion techniques (including embolization and sclerosis) - therapeutic.

(A) For all embolizations/sclerosis:

(i) Injury to or occlusion (blocking) of blood vessel other than the one intended which may require immediate surgery or other intervention.

(ii) Hemorrhage (severe bleeding).

(iii) Damage to parts of the body supplied or drained by the vessel with resulting loss of use or amputation (removal of body part).

(iv) Worsening of the condition for which the procedure is being done.

(v) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(vi) Unintended thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(vii) Loss or injury to body parts with potential need for surgery, including death of overlying skin for sclerotherapy/treatment of superficial lesions/vessels and nerve injury with associated pain, numbness or tingling or paralysis (inability to move).

(viii) Infection in the form of abscess (infected fluid collection) or septicemia (infection of blood stream).

(ix) Nontarget embolization (blocking of blood vessels other than those intended) which can result in injury to tissues supplied by those vessels.

(B) For procedures involving the thoracic aorta and/or vessels supplying the brain, spinal cord, head, neck or arms, these risks in addition to those under subparagraph (A) of this paragraph:

(i) Stroke.

(ii) Seizure.

(iii) Paralysis (inability to move).

(iv) Inflammation or other injury of nerves (for procedures involving blood vessels supplying the spine).

(v) For studies of the blood vessels of the brain: contrast-related, temporary blindness or memory loss.

(C) For female pelvic arterial embolizations including uterine fibroid embolization, these risks in addition to those under subparagraph(A) of this paragraph:

(i) Premature menopause with resulting sterility.

(ii) Injury to or infection involving the uterus which might necessitate hysterectomy (removal of the uterus) with resulting sterility.

(iii) After fibroid embolization: prolonged vaginal discharge.

(iv) After fibroid embolization: expulsion/delayed expulsion of fibroid tissue possibly requiring a procedure to deliver/remove the tissue.

(D) For male pelvic arterial embolizations, in addition to the risks under subparagraph (A) of this paragraph: impotence (difficulty with or inability to obtain penile erection).

(E) For embolizations of pulmonary arteriovenous fistulae/malformations, these risks in addition to those under clause (A) of this subparagraph:

(i) New or worsening pulmonary hypertension (high blood pressure in the lung blood vessels).

(ii) Paradoxical embolization (passage of air or an occluding device beyond the fistula/malformation and into the arterial circulation) causing blockage of blood flow to tissues supplied by the receiving artery and damage to tissues served (for example the blood vessels supplying the heart (which could cause chest pain and/or heart attack) or brain (which could cause stroke, paralysis (inability to move) or other neurological injury)).

(F) For varicocele embolization, these risks in addition to those under subparagraph (A) of this paragraph:

(i) Phlebitis/inflammation of veins draining the testicles leading to decreased size and possibly decreased function of affected testis and sterility (if both sides performed).

(ii) Nerve injury (thigh numbness or tingling).

(G) For ovarian vein embolization/pelvic congestion syndrome embolization: general angiography and embolization risks as listed in subparagraph (A) of this paragraph.

(H) For cases utilizing ethanol (alcohol) injection, in addition to the risks under subparagraph (A) of this paragraph: shock or severe lowering of blood pressure (when more than small volumes are utilized).

(I) For varicose vein treatments (with angiography) see paragraph (12) of this subsection.

(7) Mesenteric angiography with infusional therapy (Vasopressin) for gastrointestinal bleeding.

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention.

(B) Hemorrhage (severe bleeding).

(C) Damage to parts of the body supplied or drained by the vessel with resulting loss of use or amputation (removal of body part).

(D) Worsening of the condition for which the procedure is being done.

(E) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(F) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(G) Ischemia/infarction of supplied or distant vascular beds (reduction in blood flow causing lack of oxygen with injury or death of tissues supplied by the treated vessel or tissues supplied by blood vessels away from the treated site including heart, brain, bowel, extremities).

(H) Antidiuretic hormone side effects of vasopressin (reduced urine output with disturbance of fluid balance in the body, rarely leading to swelling of the brain).

(8) Inferior vena caval filter insertion and removal.

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention.

(B) Hemorrhage (severe bleeding).

(C) Worsening of the condition for which the procedure is being done.

(D) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(E) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere including caval thrombosis (clotting of main vein in abdomen and episodes of swelling of legs).

(F) Injury to the inferior vena cava (main vein in abdomen).

(G) Filter migration or fracture (filter could break and/or move from where it was placed).

(H) Risk of recurrent pulmonary embolus (continued risk of blood clots going to blood vessels in lungs despite filter).

(I) Inability to remove filter (for "optional"/retrievable filters).

(9) Pulmonary angiography.

(A) Injury to or occlusion (blocking) of blood vessel which may require immediate surgery or other intervention.

(B) Hemorrhage (severe bleeding).

(C) Damage to parts of the body supplied or drained by the vessel with resulting loss of use or amputation (removal of body part).

(D) Worsening of the condition for which the procedure is being done.

(E) Contrast nephropathy (kidney damage due to the contrast agent used during procedure).

(F) Thrombosis (blood clot forming at or blocking the blood vessel) at access site or elsewhere.

(G) Cardiac arrhythmia (irregular heart rhythm) or cardiac arrest (heart stops beating).

(H) Cardiac injury/perforation (heart injury).

(I) Death.

(10) Percutaneous treatment of pseudoaneurysm (percutaneous thrombin injection through the skin versus compression).

(A) Thrombosis (clotting) of supplying vessel or branches in its territory.

(B) Allergic reaction to thrombin (agent used for direct injection).

(11) Vascular access - nontunneled catheters, tunneled catheters, implanted access.

(A) Pneumothorax (collapsed lung).

(B) Injury to blood vessel.

(C) Hemothorax/hemomediastinum (bleeding into the chest around the lungs or around the heart).

(D) Air embolism (passage of air into blood vessel and possibly to the heart and/or blood vessels entering the lungs).

(E) Vessel thrombosis (clotting of blood vessel).

(12) Varicose vein treatment (percutaneous (through the skin), via laser, radiofrequency ablation (RFA), chemical or other method) without angiography.

(A) Burns.

(B) Deep vein thrombosis (blood clots in deep veins).

(C) Hyperpigmentation (darkening of skin).

(D) Skin wound (ulcer).

(E) Telangiectatic matting (appearance of tiny blood vessels in treated area).

(F) Paresthesia and dysesthesia (numbness or tingling in the area or limb treated).

(G) Injury to blood vessel requiring additional procedure to treat.

§602.3. Digestive System Treatments and Procedures.

(a) Cholecystectomy with or without common bile duct exploration.

(1) Pancreatitis.

(2) Injury to the tube between the liver and the bowel.

(3) Retained stones in the tube between the liver and the bowel.

(4) Narrowing or obstruction of the tube between the liver and the bowel.

(5) Injury to the bowel and/or intestinal obstruction.

(b) Bariatric surgery.

(1) Failure of wound to heal or wound dehiscence (separation of wound).

(2) Injury to organs.

(3) Failure of device requiring additional surgical procedure.

(4) Obstructive symptoms requiring additional surgical procedure.

(5) Development of gallstones (Roux-En-Y).

(6) Development of metabolic and vitamin disorders (Roux-En-Y).

(c) Pancreatectomy (subtotal or total).

(1) Pancreatitis (subtotal).

- (2) Diabetes (total).
- (3) Lifelong requirement of enzyme and digestive medication.
- (4) Anastomotic leaks.
- (d) Total colectomy.
 - (1) Permanent ileostomy.
 - (2) Injury to organs.
 - (3) Infection.
- (e) Subtotal colectomy.
 - (1) Anastomotic leaks.
 - (2) Temporary colostomy.
 - (3) Infection.
 - (4) Second surgery.
 - (5) Injury to organs.
- (f) Hepatobiliary drainage/intervention including percutaneous transhepatic cholangiography, percutaneous biliary drainage, percutaneous cholecystostomy, biliary stent placement (temporary or permanent), biliary stone removal/therapy.
 - (1) Leakage of bile at the skin site or into the abdomen with possible peritonitis (inflammation of the abdominal lining and pain or if severe can be life threatening).
 - (2) Pancreatitis (inflammation of the pancreas).
 - (3) Hemobilia (bleeding into the bile ducts).
 - (4) Cholangitis, cholecystitis, sepsis (inflammation/infection of the bile ducts, gallbladder or blood).
 - (5) Pneumothorax (collapsed lung) or other pleural complications (complication involving chest cavity).
- (g) Gastrointestinal tract stenting.
 - (1) Stent migration (stent moves from location in which it was placed).
 - (2) Esophageal/bowel perforation (creation of a hole or tear in the tube from the throat to the stomach or in the intestines).
 - (3) Tumor ingrowth or other obstruction of stent.
 - (4) For stent placement in the esophagus (tube from the throat to the stomach).
 - (A) Tracheal compression (narrowing of windpipe) with resulting or worsening of shortness of breath.
 - (B) Reflux (stomach contents passing up into esophagus or higher).
 - (C) Aspiration pneumonia (pneumonia from fluid getting in lungs) (if stent in lower part of the esophagus).
 - (D) Foreign body sensation (feeling like there is something in throat) (for stent placement in the upper esophagus).

§602.4. Ear Treatments and Procedures.

- (a) Stapedectomy.
 - (1) Facial paralysis.
 - (2) Diminished or bad taste.
 - (3) Total or partial loss of hearing in the operated ear.

- (4) Brief or long-standing dizziness.
- (5) Eardrum hole requiring more surgery.
- (6) Ringing in the ear.
- (b) Reconstruction of auricle of ear for congenital deformity or trauma.
 - (1) Less satisfactory appearance compared to possible alternative artificial ear.
 - (2) Exposure of implanted material with possible need for removal of material.
- (c) Tympanoplasty with mastoidectomy.
 - (1) Facial paralysis.
 - (2) Altered or loss of taste.
 - (3) Recurrence of original disease process.
 - (4) Total loss of hearing in operated ear.
 - (5) Dizziness.
 - (6) Ringing in the ear.

§602.5. Endocrine System Treatments and Procedures.

- (a) Thyroidectomy.
 - (1) Acute airway obstruction requiring temporary tracheostomy.
 - (2) Injury to nerves resulting in hoarseness or impairment of speech.
 - (3) Injury to parathyroid glands resulting in low blood calcium levels that require extensive medication to avoid serious degenerative conditions, such as cataracts, brittle bones, muscle weakness and muscle irritability.
 - (4) Lifelong requirement of thyroid medication.
 - (b) Parathyroidectomy.
 - (1) Acute airway obstruction requiring temporary tracheostomy.
 - (2) Injury to nerves resulting in hoarseness or impairment of speech.
 - (3) Low blood calcium levels that require extensive medication to avoid serious degenerative conditions, such as cataracts, brittle bones, muscle weakness, and muscle irritability.
 - (c) Adrenalectomy.
 - (1) Loss of endocrine functions.
 - (2) Lifelong requirement for hormone replacement therapy and steroid medication.
 - (3) Damage to kidneys.
 - (d) Other procedures.
 - (e) See also Pancreatectomy under §602.3 of this chapter (relating to Digestive System Treatments and Procedures).
- §602.6. Eye Treatments and Procedures.
- (a) Eye muscle surgery.
 - (1) Additional treatment and/or surgery.
 - (2) Double vision.
 - (3) Partial or total blindness.

(b) Surgery for cataract with or without implantation of intraocular lens.

(1) Complications requiring additional treatment and/or surgery.

(2) Need for glasses or contact lenses.

(3) Complications requiring the removal of implanted lens.

(4) Partial or total blindness.

(c) Retinal or vitreous surgery.

(1) Complications requiring additional treatment and/or surgery.

(2) Recurrence or spread of disease.

(3) Partial or total blindness.

(d) Reconstructive and/or plastic surgical procedures of the eye and eye region, such as blepharoplasty, tumor, fracture, lacrimal surgery, foreign body, abscess, or trauma.

(1) Blindness.

(2) Nerve damage with loss of use and/or feeling to eye or other areas of face.

(3) Painful or unattractive scarring.

(4) Worsening or unsatisfactory appearance.

(5) Dry eye.

(e) Photocoagulation and/or cryotherapy.

(1) Complications requiring additional treatment and/or surgery.

(2) Pain.

(3) Partial or total blindness.

(f) Corneal surgery, such as corneal transplant, refractive surgery and pterygium.

(1) Complications requiring additional treatment and/or surgery.

(2) Pain.

(3) Need for glasses or contact lenses.

(4) Partial or total blindness.

(g) Glaucoma surgery by any method.

(1) Complications requiring additional treatment and/or surgery.

(2) Worsening of the glaucoma.

(3) Pain.

(4) Partial or total blindness.

(h) Removal of the eye or its contents (enucleation or evisceration).

(1) Complications requiring additional treatment and/or surgery.

(2) Worsening or unsatisfactory appearance.

(3) Recurrence or spread of disease.

(i) Surgery for penetrating ocular injury, including intraocular foreign body.

(1) Complications requiring additional treatment and/or surgery.

(2) Possible removal of eye.

(3) Pain.

(4) Partial or total blindness.

§602.7. Female Genital System Treatments and Procedures.

(a) Hysterectomy (abdominal and vaginal).

(1) Uncontrollable leakage of urine.

(2) Injury to bladder.

(3) Injury to the tube (ureter) between the kidney and the bladder.

(4) Injury to the bowel and/or intestinal obstruction.

(5) Need to convert to abdominal incision.

(6) If laparoscopic surgery is utilized, include the following risks:

(A) Damage during introduction of trocar to adjacent intra-abdominal structures and organs (e.g., bowel, bladder, blood vessels, or nerves) and potential need for additional surgery.

(B) Trocar site complications (e.g., hematoma, bleeding, leakage of fluid, or hernia formation).

(C) Air embolus (bubble causing heart failure or stroke).

(D) Change during the procedure to an open procedure.

(E) If cancer is present, may increase the risk of the spread of cancer.

(b) All fallopian tube and ovarian surgery with or without hysterectomy, including removal and lysis of adhesions.

(1) Injury to the bowel and/or bladder.

(2) Sterility.

(3) Failure to obtain fertility (if applicable).

(4) Failure to obtain sterility (if applicable).

(5) Loss of ovarian functions or hormone production from ovary(ies).

(6) If performed with hysterectomy, all associated risks under paragraph (a) of this subsection.

(7) For fallopian tube occlusion (for sterilization with or without hysterectomy), see subsection (n) of this section.

(c) Removing fibroids (uterine myomectomy).

(1) Injury to bladder.

(2) Sterility.

(3) Injury to the tube (ureter) between the kidney and the bladder.

(4) Injury to the bowel and/or intestinal obstruction.

(5) May need to convert to hysterectomy.

(6) If laparoscopic surgery is utilized, include the following risks:

(A) Damage during introduction of trocar to adjacent intra-abdominal structures and organs (e.g., bowel, bladder, blood vessels, or nerves) and potential need for additional surgery.

(B) Trocar site complications (e.g., hematoma, bleeding, leakage of fluid, or hernia formation).

(C) Air embolus (bubble causing heart failure or stroke).

(D) Change during the procedure to an open procedure.

(E) If cancer is present, may increase the risk of the spread of cancer.

(d) Uterine suspension.

(1) Uncontrollable leakage of urine.

(2) Injury to bladder.

(3) Injury to the tube (ureter) between the kidney and the bladder.

(4) Injury to the bowel and/or intestinal obstruction.

(e) Removal of the nerves to the uterus (presacral neurectomy).

(1) Uncontrollable leakage of urine.

(2) Injury to bladder.

(3) Injury to the tube (ureter) between the kidney and the bladder.

(4) Injury to the bowel and/or intestinal obstruction.

(5) Hemorrhage (severe bleeding).

(f) Removal of the cervix.

(1) Uncontrollable leakage of urine.

(2) Injury to bladder.

(3) Sterility.

(4) Injury to the tube (ureter) between the kidney and the bladder.

(5) Injury to the bowel and/or intestinal obstruction.

(6) Need to convert to abdominal incision.

(g) Repair of vaginal hernia (anterior and/or posterior colporrhaphy and/or enterocele repair).

(1) Uncontrollable leakage of urine.

(2) Injury to bladder.

(3) Sterility.

(4) Injury to the tube (ureter) between the kidney and the bladder.

(5) Injury to the bowel and/or intestinal obstruction.

(6) Mesh erosion (with damage to vagina and adjacent tissue).

(h) Abdominal suspension of the bladder (retropubic urethropexy).

(1) Uncontrollable leakage of urine.

(2) Injury to bladder.

(3) Injury to the tube (ureter) between the kidney and the bladder.

(4) Injury to the bowel and/or intestinal obstruction.

(i) Conization of cervix.

(1) Hemorrhage (severe bleeding) which may result in hysterectomy.

(2) Sterility.

(3) Injury to bladder.

(4) Injury to rectum.

(j) Dilation and curettage of uterus (diagnostic/therapeutic).

(1) Possible hysterectomy.

(2) Perforation (hole) created in the uterus.

(3) Sterility.

(4) Injury to bowel and/or bladder.

(5) Abdominal incision and operation to correct injury.

(k) Surgical abortion/dilation and curettage/dilation and evacuation.

(1) Possible hysterectomy.

(2) Perforation (hole) created in the uterus.

(3) Sterility.

(4) Injury to the bowel and/or bladder.

(5) Abdominal incision and operation to correct injury.

(6) Failure to remove all products of conception.

(l) Medical abortion/non-surgical.

(1) Hemorrhage with possible need for surgical intervention.

(2) Failure to remove all products of conception.

(3) Sterility.

(m) Selective salpingography and tubal reconstruction.

(1) Perforation (hole) created in the uterus or Fallopian tube.

(2) Future ectopic pregnancy (pregnancy outside of the uterus).

(3) Pelvic infection.

(n) Fallopian tube occlusion (for sterilization with or without hysterectomy).

(1) Perforation (hole) created in the uterus or Fallopian tube.

(2) Future ectopic pregnancy (pregnancy outside of the uterus).

(3) Pelvic infection.

(4) Failure to obtain sterility.

(o) Hysteroscopy.

(1) Perforation (hole) created in the uterus.

(2) Fluid overload/electrolyte imbalance.

(3) Possible hysterectomy.

(4) Abdominal incision to correct injury.

§602.8. Hematic and Lymphatic System Treatments and Procedures.

(a) Transfusion of blood and blood components.

(1) Serious infection including but not limited to Hepatitis and HIV which can lead to organ damage and permanent impairment.

(2) Transfusion related injury resulting in impairment of lungs, heart, liver, kidneys, and immune system.

(3) Severe allergic reaction, potentially fatal.

(b) Splenectomy.

(1) Susceptibility to infections and increased severity of infections.

(2) Increased immunization requirements.

§602.9. Breast Surgery (non-cosmetic) Treatments and Procedures.

(a) Radical or modified radical mastectomy.

(1) Limitation of movement of shoulder and arm.

(2) Permanent swelling of the arm.

(3) Loss of the skin of the chest requiring skin graft.

(4) Recurrence of malignancy, if present.

(5) Decreased sensation or numbness of the inner aspect of the arm and chest wall.

(b) Simple mastectomy.

(1) Loss of skin of the chest requiring skin graft.

(2) Recurrence of malignancy, if present.

(3) Decreased sensation or numbness of the nipple.

(c) Lumpectomy.

(1) Loss of skin of the chest requiring skin graft.

(2) Recurrence of malignancy, if present.

(3) Decreased sensation or numbness of the nipple.

(d) Open biopsy.

(1) Loss of skin of the chest requiring skin graft.

(2) Recurrence of malignancy, if present.

(3) Decreased sensation or numbness of the nipple.

§602.10. Male Genital System Treatments and Procedures.

(a) Orchidopexy (reposition of testis(es)).

(1) Removal of testicle.

(2) Atrophy (shriveling) of the testicle with loss of function.

(b) Orchiectomy (removal of the testis(es)).

(1) Decreased sexual desire.

(2) Difficulties with penile erection.

(3) Permanent sterility (inability to father children) if both testes are removed.

(c) Vasectomy.

(1) Loss of testicle.

(2) Failure to produce permanent sterility (inability to father children).

(d) Circumcision.

(1) Injury to penis.

(2) Need for further surgery.

§602.11. Maternity and Related Cases Treatments and Procedures.

(a) Delivery (vaginal).

(1) Injury to bladder and/or rectum, including a fistula (hole) between bladder and vagina and/or rectum and vagina.

(2) Hemorrhage (severe bleeding) possibly requiring blood administration and/or hysterectomy (removal of uterus) and/or artery ligation (tying off) to control.

(3) Sterility (inability to get pregnant).

(4) Brain damage, injury or even death occurring to the fetus before or during labor and/or vaginal delivery whether or not the cause is known.

(b) Delivery (cesarean section).

(1) Injury to bowel and/or bladder.

(2) Sterility (inability to get pregnant).

(3) Injury to ureter (tube between kidney and bladder).

(4) Brain damage, injury or even death occurring to the fetus before or during labor and/or cesarean delivery whether or not the cause is known.

(5) Uterine disease or injury requiring hysterectomy (removal of uterus).

(c) Cerclage.

(1) Premature labor.

(2) Injury to bowel and/or bladder.

(3) Rupture to membranes and possible infection.

§602.12. Musculoskeletal System Treatments and Procedures.

(a) Arthroplasty of any joints with mechanical device.

(1) Impaired function such as stiffness, limp, or change in limb length.

(2) Blood vessel or nerve injury.

(3) Pain.

(4) Blood clot in limb or lung.

(5) Failure of bone to heal.

(6) Infection.

(7) Removal or replacement of any implanted device or material.

(8) Dislocation or loosening requiring additional surgery.

(9) If performed on a child age 12 or under, include the following additional risks: problems with appearance, use, or growth requiring additional surgery.

(b) Arthroscopy of any joint.

(1) Blood vessel or nerve injury.

(2) Continued pain.

(3) Stiffness of joint.

(4) Blood clot in limb or lung.

(5) Joint infection.

(6) If performed on a child age 12 or under, include the following additional risks: problems with appearance, use, or growth requiring additional surgery.

(c) Open reduction with internal fixation.

(1) Impaired function such as stiffness, limp, or change in limb length.

(2) Blood vessel or nerve injury.

(3) Pain.

(4) Blood clot in limb or lung.

(5) Failure of bone to heal.

(6) Infection.

(7) Removal or replacement of any implanted device or material.

(8) If performed on a child age 12 or under, include the following additional risks: problems with appearance, use, or growth requiring additional surgery.

(d) Osteotomy.

(1) Impaired function such as stiffness, limp, or change in limb length.

(2) Blood vessel or nerve injury.

(3) Pain.

(4) Blood clot in limb or lung.

(5) Failure of bone to heal.

(6) Infection.

(7) Removal or replacement of any implanted device or material.

(8) If performed on a child age 12 or under, include the following additional risks: problems with appearance, use, or growth requiring additional surgery.

(e) Ligamentous reconstruction of joints.

(1) Continued instability of the joint.

(2) Arthritis.

(3) Continued pain.

(4) Stiffness of joint.

(5) Blood vessel or nerve injury.

(6) Impaired function and/or scarring.

(7) Blood clot in limb or lung.

(8) If performed on a child age 12 or under, include the following additional risks: problems with appearance, use, or growth requiring additional surgery.

(f) Vertebroplasty/kyphoplasty.

(1) Nerve/spinal cord injury.

(2) Need for emergency surgery.

(3) Embolization of cement (cement passes into blood vessels and possibly all the way to the lungs).

(4) Collapse of adjacent vertebrae (bones in spine).

(5) Leak of cerebrospinal fluid (fluid around the brain and spinal cord).

(6) Pneumothorax (collapsed lung).

(7) Failure to relieve pain.

(8) Rib fracture.

(g) If the following procedures are performed on a child age 12 or under, problems with appearance, use, or growth requiring additional surgery should be disclosed.

(1) Arthrotomy (opening of joint).

(2) Closed reduction with or without pin or external fixation.

(3) Surgical management of open wound.

(4) Partial excision or removal of bone.

(5) Removal of external fixation device.

(6) Traction or casting with or without manipulation for reduction.

(h) Amputation of limb.

(1) Pain and/or phantom sensation in removed limb.

(2) Need for further surgery.

(3) Infection.

(4) Hemorrhage (severe bleeding).

(5) Difficulty with prosthesis fitting.

§602.13. Nervous System Treatments and Procedures.

(a) Craniotomy, craniectomy or cranioplasty.

(1) Loss of brain function such as memory and/or ability to speak.

(2) Recurrence, continuation or worsening of the condition that required this operation (no improvement or symptoms made worse).

(3) Stroke (damage to brain resulting in loss of one or more functions).

(4) Loss of senses (blindness, double vision, deafness, smell, numbness, taste).

(5) Weakness, paralysis, loss of coordination.

(6) Cerebrospinal fluid leak with potential for severe headaches.

(7) Meningitis (infection of coverings of brain and spinal cord).

(8) Brain abscess.

(9) Persistent vegetative state (not able to communicate or interact with others).

(10) Hydrocephalus (abnormal fluid buildup causing pressure in the brain).

(11) Seizures (uncontrolled nerve activity).

(12) Need for permanent breathing tube and/or permanent feeding tube.

(b) Cranial nerve operations.

(1) Weakness, numbness, impaired muscle function or paralysis.

(2) Recurrence, continuation or worsening of the condition that required this operation (no improvement or symptoms made worse).

(3) Seizures (uncontrolled nerve activity).

- (4) New or different pain.
- (5) Stroke (damage to brain resulting in loss of one or more functions).
- (6) Persistent vegetative state (not able to communicate or interact with others).
- (7) Loss of senses (blindness, double vision, deafness, smell, numbness, taste).
- (8) Cerebrospinal fluid leak with potential for severe headaches.
- (9) Meningitis (infection of coverings of brain and spinal cord).
- (10) Need for prolonged nursing care.
- (11) Need for permanent breathing tube and/or permanent feeding tube.

(c) Spine operation, including laminectomy, decompression, fusion, internal fixation or procedures for nerve root or spinal cord compression; diagnosis; pain; deformity; mechanical instability; injury; removal of tumor, abscess or hematoma (excluding coccygeal operations).

- (1) Weakness, pain, numbness or clumsiness.
- (2) Impaired muscle function or paralysis.
- (3) Incontinence, impotence or impaired bowel function (loss of bowel/bladder control and/or sexual function).
- (4) Migration of implants (movement of implanted devices).
- (5) Failure of implants (breaking of implanted devices).
- (6) Adjacent level degeneration (breakdown of spine above and/or below the level treated).
- (7) Cerebrospinal fluid leak with potential for severe headaches.
- (8) Meningitis (infection of coverings of brain and spinal cord).
- (9) Recurrence, continuation or worsening of the condition that required this operation (no improvement or symptoms made worse).
- (10) Unstable spine (abnormal movement between bones and/or soft tissues of the spine).

(d) Peripheral nerve operation; nerve grafts, decompression, transposition or tumor removal; neuroorrhaphy, neurectomy or neurolysis.

- (1) Numbness.
- (2) Impaired muscle function.
- (3) Recurrence, continuation or worsening of the condition that required this operation (no improvement or symptoms made worse).
- (4) Continued, increased or different pain.
- (5) Weakness.

(e) Transphenoidal hypophysectomy or other pituitary gland operation.

- (1) Cerebrospinal fluid leak with potential for severe headaches.

(2) Necessity for hormone replacement.

(3) Recurrence or continuation of the condition that required this operation.

(4) Deformity or perforation of nasal septum (hole in wall between the right and left halves of the nose).

(5) Facial nerve injury resulting in disfigurement (loss of nerve function controlling muscles in face).

(6) Loss of senses (blindness, double vision, deafness, smell, numbness, taste).

(7) Stroke (damage to brain resulting in loss of one or more functions).

(8) Persistent vegetative state (not able to communicate or interact with others).

(9) Headaches.

(f) Cerebrospinal fluid shunting procedure or revision.

(1) Shunt obstruction (blockage of shunt/tubing causing it to stop draining adequately).

(2) Malposition or migration of shunt/tubing (improper positioning or later movement of shunt/tubing causing it to stop draining adequately).

(3) Seizures (uncontrolled nerve activity).

(4) Recurrence or continuation of brain dysfunction.

(5) Injury to internal organs of the chest or abdomen.

(6) Brain injury.

(7) Stroke (damage to brain resulting in loss of one or more functions).

(8) Persistent vegetative state (not able to communicate or interact with others).

(9) Loss of senses (blindness, double vision, deafness, smell, numbness, taste).

(10) Cerebrospinal fluid leak with potential for severe headaches.

(11) Meningitis (infection of coverings of brain and spinal cord).

(12) Need for prolonged nursing care.

(13) Need for permanent breathing tube and/or permanent feeding tube.

(g) Elevation of depressed skull fracture.

(1) Loss of brain function such as memory and/or ability to speak.

(2) Recurrence, continuation or worsening of the condition that required this operation (no improvement or symptoms made worse).

(3) Loss of senses (blindness, double vision, deafness, smell, numbness, taste).

(4) Weakness, paralysis, loss of coordination.

(5) Cerebrospinal fluid leak with potential for severe headaches.

(6) Meningitis (infection of coverings of brain and spinal cord).

- (7) Brain abscess.
- (8) Persistent vegetative state (not able to communicate or interact with others).
- (9) Seizures (uncontrolled nerve activity).
- (10) Need for permanent breathing tube and/or permanent feeding tube.

§602.14. Radiology Treatments and Procedures.

(a) Splenoportography (needle injection of contrast media into the spleen).

(1) All associated risks as listed under §602.2(b)(2) of this chapter (relating to Cardiovascular System Treatments and Procedures).

(2) Injury to the spleen requiring blood transfusion and/or removal of the spleen.

(b) Chemoembolization.

(1) All associated risks as listed under §602.2(b)(2) of this chapter.

(2) Tumor lysis syndrome (rapid death of tumor cells, releasing their contents which can be harmful).

(3) Injury to or failure of liver (or other organ in which tumor is located).

(4) Risks of the chemotherapeutic agent(s) utilized.

(5) Cholecystitis (inflammation of the gallbladder) (for liver or other upper GI embolizations).

(6) Abscess (infected fluid collection) in the liver or other embolized organ requiring further intervention.

(7) Biloma (collection of bile in or near the liver requiring drainage) (for liver embolizations).

(c) Radioembolization.

(1) All associated risks as listed under §602.2(b)(2) of this chapter.

(2) Tumor lysis syndrome (rapid death of tumor cells, releasing their contents which can be harmful).

(3) Injury to or failure of liver (or other organ in which tumor is located).

(4) Radiation complications: pneumonitis (inflammation of lung) which is potentially fatal; inflammation of stomach, intestines, gallbladder, pancreas; stomach or intestinal ulcer; scarring of liver.

(d) Thermal and other ablative techniques for treatment of tumors (for curative intent or palliation) including radiofrequency ablation, microwave ablation, cryoablation, and high intensity focused ultrasound (HIFU).

(1) Injury to tumor-containing organ or adjacent organs/structures.

(2) Injury to nearby nerves potentially resulting in temporary or chronic (continuing) pain and/or loss of use and/or feeling.

(3) Failure to completely treat tumor.

(e) TIPS (Transjugular Intrahepatic Portosystemic Shunt) and its variants such as DIPS (Direct Intrahepatic Portocaval Shunt).

(1) All associated risks as listed under §602.2(b)(2)-(4) of this chapter.

(2) Hepatic encephalopathy (confusion/decreased ability to think).

(3) Liver failure or injury.

(4) Gallbladder injury.

(5) Hemorrhage (severe bleeding).

(6) Recurrent ascites (fluid building up in abdomen) and/or bleeding.

(7) Kidney failure.

(8) Heart failure.

(9) Death.

(f) Myelography.

(1) Chronic (continuing) pain.

(2) Nerve injury with loss of use and/or feeling.

(3) Transient (temporary) headache, nausea, and/or vomiting.

(4) Numbness.

(5) Seizure.

(g) Percutaneous abscess/fluid collection drainage (percutaneous abscess/seroma/lymphocele drainage and/or sclerosis (inclusive of percutaneous, transgluteal, transrectal and transvaginal routes)).

(1) Sepsis (infection in the blood stream), possibly resulting in shock (severe decrease in blood pressure).

(2) Injury to nearby organs.

(3) Hemorrhage (severe bleeding).

(4) Infection of collection which was not previously infected, or additional infection of abscess.

(h) Procedures utilizing prolonged fluoroscopy.

(1) Skin injury (such as epilation (hair loss), burns, or ulcers).

(2) Cataracts (for procedures in the region of the head).

§602.15. Respiratory System Treatments and Procedures.

(a) Biopsy and/or excision (removal) of lesion of larynx, vocal cords, trachea.

(1) Loss or change of voice.

(2) Swallowing or breathing difficulties.

(3) Perforation (hole) or fistula (connection) in esophagus (tube from throat to stomach).

(b) Rhinoplasty (surgery to change the shape of the nose) or nasal reconstruction with or without nasal septoplasty (surgical procedure to remove blockage in or straighten the bone and cartilage dividing the space between the two nostrils).

(1) Deformity of skin, bone or cartilage.

(2) Creation of new problems, such as perforation of the nasal septum (hole in wall between the right and left halves of the nose) or breathing difficulty.

(c) Submucous resection of nasal septum or nasal septoplasty (surgery to remove blockage in or straighten the bone and cartilage dividing the space between the two nostrils).

(1) Persistence, recurrence or worsening of the obstruction.

(2) Perforation of nasal septum (hole in the bone and/or cartilage dividing the space between the right and left halves of the nose) with dryness and crusting.

(3) External deformity of the nose.

(d) Sinus surgery/endoscopic sinus surgery.

(1) Spinal fluid leak.

(2) Visual loss or other eye injury.

(3) Numbness in front teeth and palate (top of mouth).

(4) Loss or reduction in sense of taste or smell.

(5) Recurrence of disease.

(6) Empty Nose Syndrome (sensation of nasal congestion, sensation of not being able to take in adequate air through nose).

(7) Injury to tear duct causing drainage of tears down the cheek.

(8) Brain injury and/or infection.

(9) Injury to nasal septum (the bone and cartilage dividing the space between the two nostrils).

(10) Nasal obstruction.

(e) Lung biopsy (removal of small piece of tissue from inside of lung).

(1) Air leak with pneumothorax (leak of air from lung to inside of chest causing the lung to collapse) with need for insertion of chest tube or repeat surgery.

(2) Hemothorax (blood in the chest around the lung) possibly requiring additional procedures.

(3) Hemoptysis (coughing up blood which can result in trouble breathing and the need to be placed on a ventilator or breathing machine and oxygen).

(f) Segmental resection of lung (removal of a portion of a lung).

(1) Hemothorax (blood in the chest around the lung).

(2) Abscess (infected fluid collection) in chest.

(3) Air leak with pneumothorax (leak of air from lung inside of chest causing the lung to collapse) with need for insertion of chest drainage tube into space between lung and chest wall or repeat surgery.

(4) Need for additional surgery.

(g) Thorotomy (surgery to reach the inside of the chest).

(1) Hemothorax (blood in the chest around the lung).

(2) Abscess (infected fluid collection) in chest.

(3) Air leak with pneumothorax (leak of air from lung inside of chest causing the lung to collapse) with need for insertion of chest drainage tube into space between lung and chest wall or repeat surgery.

(4) Need for additional surgery.

(h) VATS - video-assisted thoracoscopic surgery (camera-assisted surgery to reach the inside of the chest through small incisions).

(1) Hemothorax (blood in the chest around the lung).

(2) Abscess (infected fluid collection) in chest.

(3) Air leak with pneumothorax (leak of air from lung inside of chest causing the lung to collapse) with need for insertion of chest drainage tube into space between lung and chest wall or repeat surgery.

(4) Need for additional surgery.

(5) Need to convert to open surgery.

(i) Percutaneous (puncture through the skin instead of incision) or Open (surgical incision) tracheostomy.

(1) Loss of voice.

(2) Breathing difficulties.

(3) Pneumothorax (collapsed lung) with e need for insertion of chest tube.

(4) Hemothorax (blood in the chest around the lung).

(5) Scarring in trachea (windpipe).

(6) Fistula (connection) between trachea into esophagus (tube from throat to stomach) or great vessels.

(7) Bronchospasm (constriction of the airways leading to trouble breathing).

(8) Hemoptysis (coughing up blood which can result in trouble breathing and the need to be placed on a ventilator or breathing machine and oxygen).

(j) Bronchoscopy (insertion of a camera into the airways of the neck and chest).

(1) Mucosal injury (damage to lining of airways) including perforation (hole in the airway).

(2) Pneumothorax (collapsed lung) with need for insertion of chest tube.

(3) Pneumomediastinum (air enters the space around the airways including the space around the heart).

(4) Injury to vocal cords, laryngospasm (irritation/spasm of the vocal cords) or laryngeal edema (swelling of the vocal cords).

(5) Bronchospasm (constriction of the airways leading to trouble breathing).

(6) Hemoptysis (coughing up blood which can result in trouble breathing and the need to be placed on a ventilator or breathing machine and oxygen).

(k) Endobronchial valve placement (device inserted into airways in the lung that controls air movement into and out of abnormal portions of a lung).

(1) Mucosal injury (damage to lining of airways) including perforation (hole in the airway).

(2) Pneumothorax (collapsed lung) with need for insertion of chest tube.

(3) Pneumomediastinum (air enters the space around the airways including the space around the heart).

(4) Injury to vocal cords, laryngospasm (irritation/spasm of the vocal cords) or laryngeal edema (swelling of the vocal cords).

(5) Migration (movement) of the stent from its original position.

(6) Airway blockage, potentially life threatening.

(7) Stent blockage.

(8) Worsening of chronic obstructive pulmonary disease (worsening of emphysema).

(9) Respiratory failure (need for breathing tube placement with ventilator support).

(10) Bronchospasm (constriction of the airways leading to trouble breathing).

(11) Hemoptysis (coughing up blood which can result in trouble breathing and the need to be placed on a ventilator or breathing machine and oxygen).

(12) Recurrent infections.

(l) Endobronchial balloon dilatation with or without stent placement (placement of tube to keep airway open).

(1) Bronchial rupture (tearing of the airway) with need for additional surgery.

(2) Pneumothorax (collapsed lung) with need for insertion of chest tube.

(3) Pneumomediastinum (air enters the space around the airways including the space around the heart).

(4) Injury to vocal cords, laryngospasm (irritation/spasm of the vocal cords) or laryngeal edema (swelling of the vocal cords).

(5) Migration (movement) of the stent from its original position.

(6) Airway blockage, potentially life threatening.

(7) Stent blockage.

(8) Stent fracture (broken stent).

(9) Recurrent infections.

(10) Stent erosion into adjacent structures (stent wears a hole through the airway and injures nearby tissues).

(11) Hemoptysis (coughing up blood which can result in respiratory distress and the need to be placed on a ventilator or breathing machine and oxygen).

(m) Mediastinoscopy (insertion of a camera into the space behind the breastbone and between the lungs) with or without biopsy (removal of tissue).

(1) Hemorrhage (severe bleeding) requiring open surgery.

(2) Nerve injury causing vocal cord paralysis or poor function.

(3) Pneumothorax (collapsed lung).

(4) Tracheal injury (damage to the airway/windpipe).

(n) Pleurodesis (procedure to prevent fluid build-up in space between the lung and chest wall).

(1) Respiratory failure (need for breathing tube placement).

(2) Empyema (infection/pus in the space around the lung).

§602.16. Urinary System Treatments and Procedures.

(a) Partial nephrectomy (removal of part of the kidney).

(1) Incomplete removal of stone(s) or tumor, if present.

(2) Blockage of urine.

(3) Leakage of urine at surgical site.

(4) Injury to or loss of the kidney.

(5) Damage to organs next to kidney.

(b) Radical nephrectomy (removal of kidney and adrenal gland for cancer).

(1) Loss of the adrenal gland (gland on top of kidney that makes certain hormones/chemicals the body needs).

(2) Incomplete removal of tumor.

(3) Damage to organs next to kidney.

(c) Nephrectomy (removal of kidney).

(1) Incomplete removal of tumor if present.

(2) Damage to organs next to kidney.

(3) Injury to or loss of the kidney.

(d) Nephrolithotomy and pyelolithotomy (removal of kidney stone(s)).

(1) Incomplete removal of stone(s).

(2) Blockage of urine.

(3) Leakage of urine at surgical site.

(4) Injury or loss of the kidney.

(5) Damage to organs next to kidney.

(e) Pyeloureteroplasty (pyeloplasty or reconstruction of the kidney drainage system).

(1) Blockage of urine.

(2) Leakage of urine at surgical site.

(3) Injury to or loss of the kidney.

(4) Damage to organs next to kidney.

(f) Exploration of kidney or perinephric mass.

(1) Incomplete removal of stone(s) or tumor, if present.

(2) Leakage of urine at surgical site.

(3) Injury to or loss of the kidney.

(4) Damage to organs next to kidney.

(g) Ureteroplasty (reconstruction of ureter (tube between kidney and bladder)).

(1) Leakage of urine at surgical site.

(2) Incomplete removal of the stone or tumor (when applicable).

(3) Blockage of urine.

(4) Damage to organs next to ureter.

(5) Damage to or loss of the ureter.

(h) Ureterolithotomy (surgical removal of stone(s) from ureter (tube between kidney and bladder)).

(1) Leakage of urine at surgical site.

(2) Incomplete removal of stone.

(3) Blockage of urine.

(4) Damage to organs next to ureter.

(5) Damage to or loss of ureter.

(i) Ureterectomy (partial/complete removal of ureter (tube between kidney and bladder)).

- (1) Leakage of urine at surgical site.
- (2) Incomplete removal of stone.
- (3) Blockage of urine.
- (4) Damage to organs next to ureter.
- (j) Ureterolysis (partial/complete removal of ureter (tube between kidney and bladder from adjacent tissue)).
 - (1) Leakage of urine at surgical site.
 - (2) Blockage of urine.
 - (3) Damage to organs next to ureter.
 - (4) Damage to or loss of ureter.
- (k) Ureteral reimplantation (reinserting ureter (tube between kidney and bladder) into the bladder).
 - (1) Leakage of urine at surgical site.
 - (2) Blockage of urine.
 - (3) Damage to or loss of ureter.
 - (4) Backward flow of urine from bladder into ureter.
 - (5) Damage to organs next to ureter.
- (l) Prostatectomy (partial or total removal of prostate).
 - (1) Leakage of urine at surgical site.
 - (2) Blockage of urine.
 - (3) Incontinence (difficulty with control of urine flow).
 - (4) Semen passing backward into bladder.
 - (5) Difficulty with penile erection (possible with partial and probable with total prostatectomy).
- (m) Total cystectomy (removal of bladder).
 - (1) Probable loss of penile erection and ejaculation in the male.
 - (2) Damage to organs next to bladder.
 - (3) This procedure will require an alternate method of urinary drainage.
- (n) Radical cystectomy.
 - (1) Probable loss of penile erection and ejaculation in the male.
 - (2) Damage to organs next to bladder.
 - (3) This procedure will require an alternate method of urinary drainage.
 - (4) Chronic (continuing) swelling of thighs, legs and feet.
 - (5) Recurrence or spread of cancer if present.
- (o) Partial cystectomy (partial removal of bladder).
 - (1) Leakage of urine at surgical site.
 - (2) Incontinence (difficulty with control of urine flow).
 - (3) Backward flow of urine from bladder into ureter (tube between kidney and bladder).
 - (4) Blockage of urine.
 - (5) Damage to organs next to bladder.
- (p) Urinary diversion (ileal conduit, colon conduit).
 - (1) Blood chemistry abnormalities requiring medication.
 - (2) Development of stones, strictures or infection in the kidneys, ureter or bowel (intestine).
 - (3) Leakage of urine at surgical site.
 - (4) This procedure will require an alternate method of urinary drainage.
- (q) Ureterosigmoidostomy (placement of kidney drainage tubes into the large bowel (intestine)).
 - (1) Blood chemistry abnormalities requiring medication.
 - (2) Development of stones, strictures or infection in the kidneys, ureter or bowel (intestine).
 - (3) Leakage of urine at surgical site.
 - (4) Difficulty in holding urine in the rectum.
- (r) Urethroplasty (construction/reconstruction of drainage tube from bladder).
 - (1) Leakage of urine at surgical site.
 - (2) Stricture formation (narrowing of urethra (tube from bladder to outside)).
 - (3) Need for additional surgery.
- (s) Percutaneous nephrostomy/stenting/stone removal.
 - (1) Pneumothorax or other pleural complications (collapsed lung or filling of the chest cavity on the same side with fluid).
 - (2) Septic shock/bacteremia (infection of the blood stream with possible shock/severe lowering of blood pressure) when pyonephrosis (infected urine in the kidney) present.
 - (3) Bowel (intestinal) injury.
 - (4) Blood vessel injury with or without significant bleeding.
- (t) Dialysis (technique to replace functions of kidney and clean blood of toxins).
 - (1) Hemodialysis.
 - (A) Hypotension (low blood pressure).
 - (B) Hypertension (high blood pressure).
 - (C) Air embolism (air bubble in blood vessel) resulting in possible death or paralysis.
 - (D) Cardiac arrhythmias (irregular heart rhythms).
 - (E) Infections of blood stream, access site, or blood borne (for example: Hepatitis B, C, or HIV).
 - (F) Hemorrhage (severe bleeding as a result of clotting problems or due to disconnection of the bloodline).
 - (G) Nausea, vomiting, cramps, headaches, and mild confusion during and/or temporarily after dialysis.
 - (H) Allergic reactions.
 - (I) Chemical imbalances and metabolic disorders (unintended change in blood minerals).
 - (J) Pyrogenic reactions (fever).
 - (K) Hemolysis (rupture of red blood cells).
 - (L) Graft/fistula damage including bleeding, aneurysm, formation (ballooning of vessel), clotting (closure) of graft/fistula.

(2) Peritoneal dialysis.

(A) Infections, including peritonitis (inflammation or irritation of the tissue lining the inside wall of abdomen and covering organs), catheter infection and catheter exit site infection.

(B) Development of hernias of umbilicus (weakening of abdominal wall or muscle).

(C) Hypertension (high blood pressure).

(D) Hypotension (low blood pressure).

(E) Hydrothorax (fluid in chest cavity).

(F) Arrhythmia (irregular heart rhythm).

(G) Perforation of the bowel.

(H) Sclerosis or scarring of the peritoneum.

(I) Weight gain leading to obesity.

(J) Abdominal discomfort/distension.

(K) Heartburn or reflux.

(L) Increase in need for anti-diabetic medication.

(M) Muscle weakness.

(N) Dehydration (extreme loss of body fluid).

(O) Chemical imbalances and metabolic disorders (unintended change in blood minerals).

(P) Allergic reactions.

(Q) Nausea, vomiting, cramps, headaches, and mild confusion during and/or temporarily after dialysis.

§602.17. Psychiatric Treatments and Procedures.

(a) Electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives.

(1) Memory changes of events prior to, during, and immediately following the treatment.

(2) Fractures or dislocations of bones.

(3) Significant temporary confusion requiring special care.

(b) Other Procedures. No other procedures are assigned at this time.

§602.18. Radiation Therapy Treatments and Procedures.

(a) A child is defined for the purpose of this section as an individual who is not physiologically mature as determined by the physician using the appropriate medical parameters.

(b) Head and neck.

(1) Early reactions.

(A) Reduced and sticky saliva, loss of taste and appetite, altered sense of smell, nausea.

(B) Sore throat, difficulty swallowing, weight loss, fatigue.

(C) Skin changes: redness, irritation, scaliness, blistering or ulceration, color change, thickening, hair loss.

(D) Hoarseness, cough, loss of voice, and swelling of airway.

(E) Blockage and crusting of nasal passages.

(F) Inflammation of ear canal, feeling of "stopped up" ear, hearing loss, dizziness.

(G) Dry and irritable eye(s).

(H) In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

(I) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Dry mouth and altered sense, or loss, of taste.

(B) Tooth decay and gum changes.

(C) Bone damage, especially in jaws.

(D) Stiffness and limitation of jaw movement.

(E) Changes in skin texture and/or coloration, permanent hair loss, and scarring of skin.

(F) Swelling of tissues, particularly under the chin.

(G) Throat damage causing hoarseness, pain or difficulty breathing or swallowing.

(H) Eye damage causing dry eye(s), cataract, loss of vision, or loss of eye(s).

(I) Ear damage causing dryness of ear canal, fluid collection in middle ear, hearing loss.

(J) Brain, spinal cord or nerve damage causing alteration of thinking ability or memory, and/or loss of strength, feeling or coordination in any part of the body.

(K) Pituitary or thyroid gland damage requiring long-term hormone replacement therapy.

(L) In children, there may be additional late reactions.

(i) Disturbance of bone and tissue growth.

(ii) Bone damage to face causing abnormal development.

(iii) Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (IQ).

(iv) Second cancers developing in the irradiated area.

(c) Central nervous system.

(1) Early reactions.

(A) Skin and scalp reaction with redness, irritation, scaliness, blistering, ulceration, change in color, thickening, hair loss.

(B) Nausea, vomiting, headaches.

(C) Fatigue, drowsiness.

(D) Altered sense of taste or smell.

(E) Inflammation of ear canal, feeling of "stopped-up" ear, hearing loss, dizziness.

(F) Depression of blood count leading to increased risk of infection and/or bleeding.

(G) In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

(H) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Permanent hair loss of variable degrees, altered growth, texture and color of hair.

(B) Persistent drowsiness and tiredness.

(C) Brain damage causing a loss of some degree of thinking ability or memory, or personality changes.

(D) Scarring of skin.

(E) Spinal cord or nerve damage causing loss of strength, feeling or coordination in any part of the body.

(F) Damage to eye(s), or optic nerve(s) causing loss of vision.

(G) Ear damage causing dryness of ear canal, fluid collection in middle ear, hearing loss.

(H) Pituitary gland damage requiring long-term hormone replacement therapy.

(I) In children, there may be additional late reactions.

(i) Disturbances of bone and tissue growth.

(ii) Bone damage to spine, causing stunting of growth, curvature and/or reduction in height.

(iii) Bone damage to face, or pelvis causing stunting of bone growth and/or abnormal development.

(iv) Brain damage causing a loss of intellectual ability, learning capacity, and reduced intelligence quotient (IQ).

(v) Second cancers developing in the irradiated area.

(d) Thorax.

(1) Early reactions.

(A) Skin changes: redness, irritation, scaliness, ulceration, change in color, thickening, hair loss.

(B) Inflammation of esophagus causing pain on swallowing, heartburn, or sense of obstruction.

(C) Loss of appetite, nausea, vomiting.

(D) Weight loss, weakness, vomiting.

(E) Inflammation of the lung with pain, fever and cough.

(F) Inflammation of the heart sac with chest pain and palpitations.

(G) Bleeding or creation of a fistula resulting from tumor destruction.

(H) Depression of blood count leading to increased risk of infection and/or bleeding.

(I) Intermittent electric shock-like feelings in the lower spine or legs on bending the neck.

(J) In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

(K) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Changes in skin texture and/or coloration, permanent hair loss and scarring of skin.

(B) Lung scarring or shrinkage causing shortness of breath.

(C) Narrowing of esophagus causing swallowing problems.

(D) Constriction of heart sac which may require surgical correction.

(E) Damage to heart muscle or arteries leading to heart failure.

(F) Fracture of ribs.

(G) Nerve damage causing pain, loss of strength or feeling in arms.

(H) Spinal cord damage causing loss of strength or feeling in arms and legs, and/or loss of control of bladder and rectum.

(I) In children, there may be additional late reactions.

(i) Disturbances of bone and tissue growth.

(ii) Bone damage to spine, causing stunting of growth, curvature and/or reduction in height.

(iii) Underdevelopment or absence of development of female breast.

(iv) Second cancers developing in the irradiated area.

(e) Breast.

(1) Early reactions.

(A) Skin changes: redness, irritation, scaliness, blistering, ulceration, coloration, thickening, and hair loss.

(B) Breast changes including swelling, tightness, or tenderness.

(C) Inflammation of the esophagus causing pain or swallowing, heartburn, or sense of obstruction.

(D) Lung inflammation with cough.

(E) Inflammation of heart sac with chest pain and palpitations.

(2) Late reactions.

(A) Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

(B) Breast changes including thickening, firmness, tenderness, shrinkage.

(C) Swelling of arm.

(D) Stiffness and discomfort in shoulder joint.

(E) Rib or lung damage causing pain, fracture, cough, shortness of breath.

(F) Nerve damage causing pain, loss of strength or feeling in arm.

(G) Damage to heart muscle or arteries or heart sac leading to heart failure.

(f) Abdomen.

(1) Early reactions.

(A) Skin changes: redness, irritation, scaliness, ulceration, coloration, thickening, hair loss.

(B) Loss of appetite, nausea, vomiting.

(C) Weight loss, weakness, fatigue.

(D) Inflammation of stomach causing indigestion, heartburn, and ulcers.

(E) Inflammation of bowel causing cramping and diarrhea.

(F) Depression of blood count leading to increased risk of infections and/or bleeding.

(G) In children, these reactions are likely to be intensified by chemotherapy before, during and after radiation therapy.

(H) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

(B) Stomach damage causing persistent indigestion, pain, and bleeding.

(C) Bowel damage causing narrowing or adhesions of bowel with obstruction, ulceration, or bleeding which may require surgical correction, chronic diarrhea, or poor absorption of food elements.

(D) Kidney damage leading to kidney failure and/or high blood pressure.

(E) Liver damage leading to liver failure.

(F) Spinal cord or nerve damage causing loss of strength or feeling in legs and/or loss of control of bladder and/or rectum.

(G) In children, there may be additional late reactions.

(i) Disturbances of bone and tissue growth.

(ii) Bone damage to spine causing stunting of growth, curvature and/or reduction in height.

(iii) Bone damage to pelvis causing stunting of bone growth and/or abnormal development.

(iv) Second cancers developing in the irradiated area.

(g) Female pelvis.

(1) Early reactions.

(A) Inflammation of bowel causing cramping and diarrhea.

(B) Inflammation of rectum and anus causing pain, spasm, discharge, bleeding.

(C) Bladder inflammation causing burning, frequency, spasm, pain, bleeding.

(D) Skin changes: redness, irritation, scaliness, blistering or ulceration, coloration, thickening, hair loss.

(E) Disturbance of menstrual cycle.

(F) Vaginal discharge, pain, irritation, bleeding.

(G) Depression of blood count leading to increased risk of infection and/or bleeding.

(H) In children, these reactions are likely to be intensified by chemotherapy before, during, or after radiation therapy.

(I) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Bowel damage causing narrowing or adhesions of the bowel with obstruction, ulceration, bleeding, chronic diarrhea, or poor absorption of food elements and may require surgical correction or colostomy.

(B) Bladder damage with loss of capacity, frequency of urination, blood in urine, recurrent urinary infections, pain, or spasm which may require urinary diversion and/or removal of bladder.

(C) Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

(D) Bone damage leading to fractures.

(E) Ovarian damage causing infertility, sterility, or premature menopause.

(F) Vaginal damage leading to dryness, shrinkage, pain, bleeding, or sexual dysfunction.

(G) Swelling of the genitalia or legs.

(H) Nerve damage causing pain, loss of strength or feeling in legs, and/or loss of control of bladder or rectum.

(I) Fistula between the bladder and/or bowel and/or vagina.

(J) In children, there may be additional late reactions.

(i) Disturbances of bone and tissue growth.

(ii) Bone damage to pelvis and hips causing stunting of bone growth and/or abnormal development.

(iii) Second cancers developing in the irradiated area.

(h) Male pelvis.

(1) Early reactions.

(A) Inflammation of bowel causing cramping and diarrhea.

(B) Inflammation of rectum and anus causing pain, spasm, discharge, bleeding.

(C) Bladder inflammation causing burning, frequency, spasm, pain, and/or bleeding.

(D) Skin changes: redness, irritation, scaliness, blistering or ulceration, coloration, thickening, hair loss.

(E) Depression of blood count leading to increased risk of infection and/or bleeding.

(F) In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

(G) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Bowel damage causing narrowing or adhesions of the bowel with obstruction, ulceration, bleeding, chronic diarrhea, or poor absorption of food elements and may require surgical correction or colostomy.

(B) Bladder damage with loss of capacity, frequency of urination, blood in urine, recurrent urinary infections, pain, or spasm which may require urinary diversion and/or removal of bladder.

(C) Changes in skin texture and/or coloration, permanent hair loss, scarring of skin.

(D) Bone damage leading to fractures.

(E) Testicular damage causing reduced sperm counts, infertility, sterility, or risk of birth defects.

(F) Impotence (loss of erection) or sexual dysfunction.

(G) Swelling of the genitalia or legs.

(H) Nerve damage causing pain, loss of strength or feeling in legs, and/or loss of control of bladder or rectum.

(I) Fistula between the bowel and other organs.

(J) In children, there may be additional late reactions.

(i) Disturbances of bone and tissue growth.

(ii) Bone damage to pelvis and hips causing stunting of bone growth and/or abnormal development.

(iii) Second cancers developing in the irradiated area.

(i) Skin.

(1) Early reactions.

(A) Redness, irritation, or soreness.

(B) Scaliness, ulceration, crusting, oozing, discharge.

(C) Hair loss.

(D) These reactions are likely to be intensified by chemotherapy.

(2) Late reactions.

(A) Changes in skin texture causing scaly or shiny smooth skin, thickening with contracture, puckering, scarring of skin.

(B) Changes in skin color.

(C) Prominent dilated small blood vessels.

(D) Permanent hair loss.

(E) Chronic or recurrent ulcerations.

(F) Damage to adjacent tissues including underlying bone or cartilage.

(G) In children, second cancers may develop in the irradiated area.

(j) Extremities.

(1) Early reactions.

(A) Skin changes: redness, irritation, scaliness, ulceration, coloration, thickening, hair loss.

(B) Inflammation of soft tissues causing tenderness, swelling, and interference with movement.

(C) Inflammation of joints causing pain, swelling and limitation of joint motion.

(D) In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

(E) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Changes in skin reaction and/or coloration, permanent hair loss and scarring of the skin.

(B) Scarring or shrinkage of soft tissues and muscle causing loss of flexibility and movement, swelling of the limb.

(C) Nerve damage causing loss of strength, feeling or coordination.

(D) Bone damage causing fracture.

(E) Joint damage causing permanent stiffness, pains and arthritis.

(F) Swelling of limb below the area treated.

(G) In children, there may be additional late reactions.

(i) Disturbances of bone and tissue growth.

(ii) Bone damage to limbs causing stunting of bone growth and/or abnormal development.

(iii) Second cancers developing in the irradiated area.

(k) Total body irradiation.

(1) Early reactions.

(A) Loss of appetite, nausea, vomiting.

(B) Diarrhea.

(C) Reduced and sticky saliva, swelling of the salivary gland(s), loss of taste.

(D) Hair loss.

(E) Sore mouth and throat, difficulty swallowing.

(F) Permanent destruction of bone marrow leading to infection, bleeding, and possible death.

(G) Inflammation of the lung with fever, dry cough and difficulty breathing with possible fatal lung failure.

(H) Damage to liver with possible fatal liver failure.

(I) In children, these reactions are likely to be intensified by chemotherapy before, during or after radiation therapy.

(J) In children, depression of blood count leading to increased risk of infection and/or bleeding is more common.

(2) Late reactions.

(A) Lung scarring causing shortness of breath, infection, and fatal lung failure.

(B) Cataract formation in the eyes, possible loss of vision.

(C) Testicular damage in males causing sterility.

(D) Ovarian damage in females causing premature menopause and sterility.

(E) Increased risk of second cancer.

§602.19. Laparoscopic, Thoracoscopic and Robotic Surgery Treatments and Procedures.

The following shall be in addition to risks and hazards of the same surgery when done as an open procedure.

(1) Damage during introduction of trocar to adjacent intra-abdominal structures (e.g., organs, blood vessels, or other vital tissues) and potential need for additional surgery.

(2) Trocar site complications (e.g., hematoma/bleeding, leakage of fluid, or hernia formation).

(3) Air embolus (bubble causing heart failure or stroke).

(4) Postoperative pneumothorax (collapsed lung).

(5) Subcutaneous emphysema (air in between skin layers).

(6) Change during the procedure to an open procedure.

(7) If cancer is present, may increase the risk of the spread of cancer.

§602.20. Pain Management Treatments and Procedures.

(a) Neuroaxial procedures (injections into or around spine).

(1) Failure to reduce pain or worsening of pain.

(2) Nerve damage including paralysis (inability to move).

(3) Epidural hematoma (bleeding in or around spinal canal).

(4) Infection.

(5) Seizure.

(6) Persistent leak of spinal fluid which may require surgery.

(7) Breathing and/or heart problems including cardiac arrest (heart stops beating).

(8) Loss of vision.

(9) Stroke.

(b) Peripheral and visceral nerve blocks and/or ablations.

(1) Failure to reduce pain or worsening of pain.

(2) Bleeding.

(3) Nerve damage including paralysis (inability to move).

(4) Infection.

(5) Damage to nearby organ or structure.

(6) Seizure.

(c) Implantation of pain control devices.

(1) Failure to reduce pain or worsening of pain.

(2) Nerve damage including paralysis (inability to move).

(3) Epidural hematoma (bleeding in or around spinal canal).

(4) Infection.

(5) Persistent leak of spinal fluid which may require surgery.

§602.21. Dental Surgery Treatments and Procedures.

(a) Oral surgery.

(1) Extraction (removing teeth).

(A) Dry socket (inflammation in the socket of a tooth).

(B) Permanent or temporary numbness or altered sensation.

(C) Sinus communication (opening from tooth socket into the sinus cavity).

(D) Fracture of alveolus and/or mandible (upper and/or lower jaw).

(2) Surgical exposure of tooth in order to facilitate orthodontics.

(A) Injury to tooth or to adjacent teeth and structures.

(B) Failure to get proper attachment to tooth requiring additional procedure.

(b) Endodontics (deals with diseases of the dental pulp).

(1) Apicoectomy (surgical removal of root tip or end of the tooth, with or without sealing it).

(A) Shrinkage of the gums and crown margin exposure.

(B) Sinus communication (opening from tooth socket into the sinus cavity).

(C) Displacement of teeth or foreign bodies into nearby tissues, spaces, and cavities.

(2) Root amputation (surgical removal of portion of one root of a multi-rooted tooth).

(A) Shrinkage of the gums and crown margin exposure.

(B) Sinus communication (opening from tooth socket into the sinus cavity).

(C) Displacement of teeth or foreign bodies into nearby tissues, spaces, and cavities.

(3) Root canal therapy (from an occlusal access in order to clean and fill the canal system).

(A) Instrument separation (tiny files which break within the tooth canal system).

(B) Fenestration (penetration of walls of tooth into adjacent tissue).

(C) Failure to find and/or adequately fill all canals.

(D) Expression of irrigants or filling material past the apex of the tooth (chemicals used to clean or materials used to fill a root may go out the end of the root and cause pain or swelling).

(E) Damage to adjacent tissues from irrigants or clamps.

(F) Fracture or loss of tooth.

(c) Periodontal surgery (surgery of the gums).

(1) Gingivectomy and gingivoplasty (involves the removal of soft tissue).

(A) Tooth sensitivity to hot, cold, sweet, or acid foods.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(2) Anatomical crown exposure (removal of enlarged gingival tissue and supporting bone to provide an anatomically correct gingival relationship).

(A) Tooth sensitivity to hot, cold, sweet, or acid foods.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(3) Gingival flap procedure, including root planing (soft tissue flap is laid back or removed to allow debridement (cleaning) of the root surface and the removal of granulation tissue (unhealthy soft tissue)).

(A) Permanent or temporary numbness or altered sensation.

(B) Tooth sensitivity to hot, cold, sweet, or acid foods.

(C) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(4) Apically positioned flap (used to preserve keratinized gingival (attached gum tissue) in conjunction with osseous resection (removal) and second stage implant procedure).

(A) Permanent or temporary numbness or altered sensation.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(5) Clinical crown lengthening (removal of gum tissue and/or bone from around tooth).

(A) Permanent or temporary numbness or altered sensation.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(6) Osseous surgery-including flap entry and closure (modification of the bony support of the teeth).

(A) Permanent or temporary numbness or altered sensation.

(B) Tooth sensitivity to hot, cold, sweet, or acid foods.

(C) Loss of tooth.

(D) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(7) Guided tissue regeneration-resorbable barrier.

(A) Permanent or temporary numbness or altered sensation.

(B) Accidental aspiration (into the lungs) of foreign matter.

(C) Rejection of donor materials.

(8) Guided tissue regeneration-nonresorbable barrier (includes membrane removal).

(A) Permanent or temporary numbness or altered sensation.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(C) Accidental aspiration (into the lungs) of foreign matter.

(D) Rejection of donor materials.

(9) Pedicle soft tissue graft procedure.

(A) Permanent or temporary numbness or altered sensation.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(C) Rejection of donor materials.

(10) Free soft tissue graft protection-including donor site surgery.

(A) Permanent or temporary numbness or altered sensation.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(C) Rejection of graft.

(11) Sub epithelial connective tissue graft procedures.

(A) Permanent or temporary numbness or altered sensation.

(B) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(C) Rejection of graft.

(12) Distal or proximal wedge procedure (taking off gum tissue from the very back of the last tooth or between teeth). Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(13) Soft tissue allograft and connective tissue double pedicle graft from below (creates or augments gum tissue).

(A) Permanent or temporary numbness or altered sensation.

(B) Tooth sensitivity to hot, cold, sweet, or acid foods.

(C) Shrinkage of the gums upon healing resulting in teeth appearing longer and greater spaces between some teeth.

(d) Implant procedures.

(1) Bone grafting (replacing missing bone).

(A) Permanent or temporary numbness or altered sensation.

(B) Rejection of bone particles or graft from donor or recipient sites.

(C) Damage to adjacent teeth or bone.

(2) Surgical placement of implant body.

(A) Blood vessel or nerve injury.

(B) Damage to adjacent teeth or bone fracture.

(C) Sinus communication (opening from tooth socket into the sinus cavity).

(D) Failure of implant requiring corrective surgery.

(E) Cyst formation, bone loss, or gum disease around the implant.

§602.22. *Plastic Surgery and Surgery of the Integumentary System Treatments and Procedures.*

(a) Augmentation mammoplasty (breast enlargement with implant).

(1) Bleeding around implant.

(2) Sensory changes or loss of nipple sensitivity.

(3) Failure, deflation, or leaking of implant requiring re-placement.

(4) Worsening or unsatisfactory appearance including asymmetry (unequal size or shape).

(5) Problems with or the inability to breastfeed.

(6) Capsular contracture (hardening of breast).

(b) Bilateral breast reduction.

(1) Skin flap or fat necrosis (injury or death of skin and fat).

- (2) Loss of nipple or areola.
- (3) Sensory changes or loss of nipple sensitivity.
- (4) Problems with or the inability to breastfeed.
- (5) Worsening or unsatisfactory appearance including asymmetry (unequal size or shape or not desired size).

(c) Rhinoplasty or nasal reconstruction with or without septoplasty (repairing the middle wall of the nose).

(1) Development of new problems, such as perforation of the nasal septum (hole in wall between the right and left halves of the nose) or breathing difficulty.

- (2) Spinal fluid leak.
- (3) Worsening or unsatisfactory appearance.

(d) Reconstruction and/or plastic surgery operations of the face and neck.

(1) Impairment of regional organs, such as eye or lip function.

- (2) Recurrence of the original condition.
- (3) Worsening or unsatisfactory appearance.

(e) Liposuction (removal of fat by suction).

(1) Shock.

(2) Pulmonary fat embolism (fat escaping with possible damage to vital organs).

- (3) Damage to skin with possible skin loss.
- (4) Loose skin.
- (5) Worsening or unsatisfactory appearance.

(f) Breast reconstruction with other flaps and/or implants.

(1) Bleeding around implant.

(2) Sensory changes or loss of nipple sensitivity.

(3) Failure, deflation, or leaking of implant requiring replacement.

- (4) Damage to internal organs.
- (5) Worsening or unsatisfactory appearance including asymmetry (unequal size or shape).

(g) Nipple Areolar Reconstruction.

- (1) Loss of graft.
- (2) Unsatisfactory appearance.

(h) Panniclecotomy (removal of skin and fat).

- (1) Persistent swelling in the legs.
- (2) Nerve damage.
- (3) Worsening or unsatisfactory appearance.

(i) Tendonitis, tendon release, and trigger releases.

- (1) Recurrence of symptoms.
- (2) Damage to blood vessels, nerves, tendons, or muscles.
- (3) Worsening function.

(j) Breast reconstruction with flaps.

- (1) Damage to blood vessels, nerves, or muscles.

(2) Loss of flap possibly requiring additional surgery.

(3) Damage to internal organs.

(4) Increased risk of abdominal wall complications with pregnancy.

(5) Abdominal hernias with abdominal flaps.

(6) Chronic abdominal pain with abdominal flaps.

(7) Worsening or unsatisfactory appearance including asymmetry (unequal size or shape).

(k) Flap or graft surgery.

(1) Damage to blood vessels, nerves, or muscles.

(2) Deep vein thrombosis (blood clot in legs or arms).

(3) Loss of flap possibly requiring additional surgery.

(4) Worsening or unsatisfactory appearance.

(l) Tendons, nerves, or blood vessel repair.

(1) Damage to nerves.

(2) Deep vein thrombosis (blood clot in legs or arms).

(3) Rupture of repair.

(4) Worsening of function.

(m) Reconstructive and/or plastic surgical procedures of the eye and eye region, such as blepharoplasty, tumor, fracture, lacrimal surgery, foreign body, abscess, or trauma. See §602.6(d) of this chapter (relating to Eye Treatments and Procedures).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 17, 2023.

TRD-202302560

Dr. Noah Appel

Panel Chairman

Texas Medical Disclosure Panel

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 438-2889



CHAPTER 603. PROCEDURES REQUIRING NO DISCLOSURE OF SPECIFIC RISKS AND HAZARDS--LIST B

25 TAC §§603.1 - 603.21

The Texas Medical Disclosure Panel (Panel) is proposing new §§603.1 - 603.21, concerning Procedures Requiring No Disclosure of Specific Risks and Hazards--List B in the Texas Administrative Code, Title 25, Part 7, Chapter 603.

BACKGROUND AND PURPOSE

These rule repeals and new rules are proposed in accordance with Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure.

The purpose of this project is to repeal current 25 TAC Chapter 601, Informed Consent, and replace it in a nonsubstantive manner with multiple chapters in order to make the Panel's determinations regarding risks and hazards related to medical care and surgical procedures more accessible to the public and more user-friendly.

The proposed new Chapter 601 will contain the purpose and history of the rules at 25 TAC Part 7, Texas Medical Disclosure Panel. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 602 will list each type of treatment and procedure that the Panel has determined requires full disclosure of the risks and hazards associated with it in a separate section, instead of in a single section at the repealed §601.2. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 603 will list each type of treatment and procedure that the Panel has determined requires no disclosure of the risks and hazards associated with it in a separate chapter, instead of in a single section at the repealed §601.3.

The proposed new Chapter 604 will contain general, radiation therapy, electroconvulsive therapy, hysterectomy, and anesthesia and/or perioperative pain management disclosure and consent forms. These new rules are published elsewhere in this issue of the *Texas Register*.

SECTION-BY-SECTION SUMMARY

Proposed new §603.1, Anesthesia treatments and procedures, lists the anesthesia treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.2, Cardiovascular system treatments and procedures, lists the cardiovascular system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.3, Digestive system treatments and procedures, lists the digestive system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.4, Ear treatments and procedures, lists the ear treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.5, Endocrine system treatments and procedures, lists the endocrine system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.6, Eye treatments and procedures, lists the eye treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.7, Female genital system treatments and procedures, lists the female genital system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.8, Hematic and lymphatic system treatments and procedures, lists the hematic and lymphatic system treatments and procedures that the Panel has determined

require no disclosure of the risks and hazards associated with them.

Proposed new §603.9, Breast surgery (non-cosmetic) treatments and procedures, lists the breast surgery (non-cosmetic) treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.10, Male genital system treatments and procedures, lists the male genital system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.11, Maternity and related cases treatments and procedures, lists the maternity and related cases treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.12, Musculoskeletal system treatments and procedures, lists the musculoskeletal system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.13, Nervous system treatments and procedures, lists the nervous system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.14, Radiology treatments and procedures, lists the radiology treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.15, Respiratory system treatments and procedures, lists the respiratory system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.16, Urinary system treatments and procedures, lists the urinary system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.17, Psychiatric treatments and procedures, lists the psychiatric treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.18, Radiation treatments and procedures, lists the radiation treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.19, Laparoscopic/Thoracoscopic surgery treatments and procedures, lists the laparoscopic/thoracoscopic surgery treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.20, Pain management treatments and procedures, lists the pain management treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

Proposed new §603.21, Plastic surgery and surgery of the integumentary system treatments and procedures, lists the plastic surgery and surgery of the integumentary system treatments and procedures that the Panel has determined require no disclosure of the risks and hazards associated with them.

FISCAL NOTE

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules do not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

The Panel has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to HHSC;
- (5) the proposed rules will create new rules;
- (6) the proposed rules will not expand, limit, or repeal existing rules;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the Panel has insufficient information to determine the proposed rules' effect on the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Dr. Appel has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

HHSC is unable to provide an estimate of the number of small businesses and micro businesses affected.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules are necessary to protect the health, safety, and welfare of the residents of Texas and does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years the rules are in effect, the public benefit will be improved consistency and clarity in this chapter of the Texas Administrative Code.

AND:

Dr. Appel has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules.

TAKINGS IMPACT ASSESSMENT

The Panel has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Kelli Weldon, TMDP Liaison, Health and Human Services Commission, 701 West 51st Street, Suite 216A, Austin, Texas 78751; Mail Code 0223, P.O. Box 13247, Austin, Texas 78711; fax (512) 206-3984; office (512) 438-2889, or by email to HHSC_TMDP@hhsc.state.tx.us.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) faxed or emailed before midnight on the last day of the comment period. If last day to submit comments falls on a holiday, comments must be post-marked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule" in the subject line.

STATUTORY AUTHORITY

The new sections are authorized under Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure, and §74.103, which requires the Panel to prepare lists of medical treatments and surgical procedures that do and do not require disclosure by physicians and health care providers of the possible risks and hazards, and to prepare the forms for the treatments and procedures which do require disclosure.

The new sections implement Texas Civil Practice and Remedies Code Chapter 74, Subchapter C.

§603.1. Anesthesia Treatments and Procedures.

Local.

§603.2. Cardiovascular System Treatments and Procedures.

- (a) Excision and ligation of varicose veins of the leg.
- (b) Arterial line for monitoring purposes.

§603.3. Digestive System Treatments and Procedures.

- (a) Appendectomy.
- (b) Hemorrhoidectomy with fistulectomy or fissurectomy.
- (c) Hemorrhoidectomy.
- (d) Incision or excision of perirectal tissue.
- (e) Local excision and destruction of lesion, anus and rectum.
- (f) Operations for correction of cleft palate.
- (g) Repair of inguinal or ventral hernia.
- (h) Repair and plastic operations on anus and rectum.
- (i) Colonoscopy.
- (j) Tonsillectomy with adenoidectomy.
- (k) Tonsillectomy without adenoidectomy.

§603.4. Ear Treatments and Procedures.

- (a) Myringotomy.
- (b) Reconstruction of auricle of ear for skin cancer.
- (c) Tympanoplasty without mastoidectomy.

§603.5. Endocrine System Treatments and Procedures.

No procedures assigned at this time.

§603.6. Eye Treatments and Procedures.

- (a) Administration of topical, parenteral (such as IV), or oral drugs or pharmaceuticals, including, but not limited to, fluorescein angiography, orbital injection or periocular injections.
- (b) Removal of extraocular foreign bodies.
- (c) Chalazion excision.

§603.7. Female Genital System Treatments and Procedures.

No procedures assigned at this time.

§603.8. Hematic and Lymphatic System Treatments and Procedures.

- (a) Biopsy of lymph nodes.
- (b) Other procedures. No other procedures are assigned at this time.

§603.9. Breast Surgery (non-cosmetic) Treatments and Procedures.

- (a) Needle biopsy.
- (b) Incision and drainage of skin lesion.

§603.10. Male Genital System Treatments and Procedures.

- (a) Biopsy of testicle.
- (b) Placement of testicular prosthesis.
- (c) Hydrocelectomy (removal/drainage of cyst in scrotum).
- (d) Cystoscopy.

§603.11. Maternity and Related Cases Treatments and Procedures.

Intrauterine Devices (IUD).

§603.12. Musculoskeletal System Treatments and Procedures.

- (a) Arthrotomy, arthrocentesis, or joint injection (unless performed on a child age 12 or under, see §602.12(g) of this title (relating to Musculoskeletal System Treatments and Procedures)).
- (b) Closed reduction without internal fixation (unless performed on a child age 12 or under, see §602.12(g) of this title).
- (c) Wound debridement (unless performed on a child age 12 or under, see §602.12(g) of this title).
- (d) Needle biopsy or aspiration, bone marrow (unless performed on a child age 12 or under, see §602.12(g) of this title).
- (e) Partial excision of bone (unless performed on a child age 12 or under, see §602.12(g) of this title).
- (f) Removal of external fixation device (unless performed on a child age 12 or under, see §602.12(g) of this title).
- (g) Traction or fixation without manipulation for reduction (unless performed on a child age 12 or under, see §602.12(g) of this title).

§603.13. Nervous System Treatments and Procedures.

- (a) Lumbar puncture.
- (b) Closure of meningomyelocele.
- (c) Ventriculostomy with or without air ventriculogram.

- (d) Cisternal puncture (diagnostic).
- (e) Stereotactic surgery for dystonia.
- (f) Insertion of skeletal tongs.
- (g) Intravenous cut-down.
- (h) Cervical 1-2 puncture (diagnostic).

§603.14. Radiology Treatments and Procedures.

- (a) Lymphangiography.
- (b) Discography.
- (c) Lumbar puncture with/without injection of medication.
- (d) Nerve root injection, epidural injection, nerve blocks, and radiofrequency treatments for pain control.
- (e) Venography (Venogram) with contrast media by peripheral IV.
- (f) Cholangiography with contrast media through existing drain; T-tube cholangiography.
- (g) Urography (IVP) with contrast media.
- (h) Radionuclide scans and/or blood flow studies.
- (i) Gastrointestinal (GI) tract radiography and fluoroscopy.
- (j) Nasogastric/nasojejunal tube placement with fluoroscopy.
- (k) Percutaneous gastrostomy/gastrojejunostomy.
- (l) Fistula or sinus tract injection.
- (m) Sialography.
- (n) Dacryocystography, stenting.
- (o) Cystography, cystourethrography.
- (p) Retrograde and antegrade urography.
- (q) Larynogography, bronchography.
- (r) Hysterosalpingography.
- (s) ERCP (Endoscopic retrograde cholangio pancreatography).
- (t) Galactography.
- (u) Skeletal radiography and/or fluoroscopy (skull, mastoids, sinuses and facial bones; spine, ribs, pelvis; extremities).
- (v) Foreign body radiography and/or fluoroscopy and foreign body retrieval.
- (w) Chest and abdomen radiography and fluoroscopy.
- (x) Portable radiography/fluoroscopy.
- (y) Pelvimetry, fetogram.
- (z) Magnetic Resonance Imaging/Magnetic Resonance Angiography without and with contrast.
- (aa) Computed tomography scan/computed tomography angiogram without and with contrast media.
- (bb) Ultrasound and Doppler studies.
- (cc) Laminography, polytomography.
- (dd) Soft-tissue radiography including xeroradiography and xeromammography.
- (ee) Arthrography, arthrocentesis, tenography.

- (ff) Ureteral or urethral balloon dilatation/stent.
- (gg) Percutaneous suprapubic cystostomy.
- (hh) Cyst aspiration/drainage/sclerosis.
- (ii) Percutaneous or transvascular biopsy.
- (jj) Paracentesis.
- (kk) Thoracentesis.

§603.15. Respiratory System Treatments and Procedures.

- (a) Aspiration of bronchus.
- (b) Reduction of nasal fracture.

§603.16. Urinary System Treatments and Procedures.

- (a) Nephrotomy (placement of drainage tubes).
- (b) Biopsy of prostrate, bladder or urethra.
- (c) Cystolithotomy (surgical removal of stone(s) from the bladder).
- (d) Cystolitholapaxy (cystoscopic crushing and removal of bladder stone(s)).
- (e) Cystostomy (placement of tube into the bladder).
- (f) Urethrotomy (incision of the urethra).
- (g) Diverticulectomy of the bladder (removal of outpouching of the bladder).
- (h) Diverticulectomy or diverticulotomy of the urethra (repair or drainage of outpouching of the urethra).
- (i) Lithotripsy (sound wave removal of stones from kidney and ureter).

§603.17. Psychiatric Treatments and Procedures.

No procedures assigned at this time.

§603.18. Radiation Therapy Treatments and Procedures.

No procedures assigned at this time.

§603.19. Laparoscopic/Thoracoscopic Surgery (including robotic surgery) Treatments and Procedures.

No procedures assigned at this time.

§603.20. Pain Management Treatments and Procedures.

- (a) Trigger point injection (injection into tendon or muscle).
- (b) Scar injection.

§603.21. Plastic Surgery and Surgery of the Integumentary System Treatments and Procedures.

- (a) Cutting and preparation of skin grafts or small pedicle flaps.
- (b) Removal or treatment of local skin or subcutaneous lesion.
- (c) Excision of pilonidal sinus or cyst.
- (d) Suture of skin.
- (e) Wide or radical excision of skin lesion with or without graft.
- (f) Z plasty with or without excision.
- (g) Biopsy of skin or mucus membrane.
- (h) Debridement of ulceration of the skin.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 17, 2023.

TRD-202302561

Dr. Noah Appel

Panel Chairman

Texas Medical Disclosure Panel

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 438-2889



CHAPTER 604. DISCLOSURE FORMS

25 TAC §§604.1 - 604.5

The Texas Medical Disclosure Panel (Panel) is proposing new §§604.1 - 604.5, concerning Disclosure Forms, in the Texas Administrative Code, Title 25, Part 7, Chapter 604.

BACKGROUND AND PURPOSE

These rule repeals and new rules are proposed in accordance with Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure.

The purpose of this project is to repeal current 25 TAC Chapter 601, Informed Consent, and replace it in a nonsubstantive manner with multiple chapters in order to make the Panel's determinations regarding risks and hazards related to medical care and surgical procedures more accessible to the public and more user-friendly.

The proposed new Chapter 601 will contain the purpose and history of the rules at 25 TAC Part 7, Texas Medical Disclosure Panel. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 602 will list each type of treatment and procedure that the Panel has determined requires full disclosure of the risks and hazards associated with it in a separate section, instead of in a single section at the repealed §601.2. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 603 will list each type of treatment and procedure that the Panel has determined requires no disclosure of the risks and hazards associated with it in a separate section, instead of in a single section at the repealed §601.3. These new rules are published elsewhere in this issue of the *Texas Register*.

The proposed new Chapter 604 will contain general, radiation therapy, electroconvulsive therapy, hysterectomy, and anesthesia and/or perioperative pain management disclosure and consent forms.

SECTION-BY-SECTION SUMMARY

Proposed new §604.1, Disclosure and Consent Form, lists the disclosure and consent forms that the Panel has determined are required to disclose risks and hazards associated with the procedures listed in Chapters 602 and 603.

Proposed new §604.2, Disclosure and Consent Form for Radiation Therapy, lists the disclosure and/or consent forms that the Panel has determined are required to disclose risks and hazards associated with radiation therapy procedures.

Proposed new §604.3, Informed Consent for Electroconvulsive Therapy, sets out disclosure requirements and options for electroconvulsive therapy.

Proposed new §604.4, Disclosure and Consent Form for Hysterectomy, lists the disclosure and/or consent forms that the Panel has determined are required to disclose risks and hazards associated with hysterectomy procedures.

Proposed new §604.5, Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia), lists the disclosure and/or consent forms that the Panel has determined are required to disclose risks and hazards associated with anesthesia and/or perioperative pain management (analgesia) procedures.

FISCAL NOTE

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules do not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

The Panel has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to HHSC;
- (5) the proposed rules will create new rules;
- (6) the proposed rules will not expand, limit, or repeal existing rules;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the Panel has insufficient information to determine the proposed rules' effect on the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Dr. Appel has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

HHSC is unable to provide an estimate of the number of small businesses and micro businesses affected.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas and does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Dr. Noah Appel, Panel Chairman, has determined that for each year of the first five years the rules are in effect, the public benefit will be improved consistency and clarity in this section of the Texas Administrative Code.

AND:

Dr. Appel has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

TAKINGS IMPACT ASSESSMENT

The Panel has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Kelli Weldon, TMDP Liaison, Health and Human Services Commission, 701 West 51st Street, Suite 216A, Austin, Texas 78751; Mail Code 0223, P.O. Box 13247, Austin, Texas 78711; fax (512) 206-3984; office (512) 438-2889, or by email to HHSC_TMDP@hhsc.state.tx.us.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) faxed or emailed before midnight on the last day of the comment period. If last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule" in the subject line.

STATUTORY AUTHORITY

The new sections are authorized under Texas Civil Practice and Remedies Code §74.102, which created the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure, and §74.103, which requires the Panel to prepare lists of medical treatments and surgical procedures that do and do not require disclosure by physicians and health care providers of the possible risks and hazards, and to prepare the forms for the treatments and procedures which do require disclosure.

The new sections implement Texas Civil Practice and Remedies Code Chapter 74, Subchapter C.

§604.1. Disclosure and Consent Form.

(a) The Texas Medical Disclosure Panel adopts the following form which shall be used by a physician or health care provider to inform a patient or person authorized to consent for the patient of the possible risks and hazards involved in the medical treatments and surgical procedures named in the form. Except for the procedures shown in subsection (b) of this section, the following form shall be used for the medical treatments and surgical procedures described in Chapter 602 of this title (relating to Procedures Requiring Full Disclosure of Specific Risks and Hazards--List A). Providers shall have the form available in both English and Spanish language versions. Both versions are available from the Health and Human Services Commission.

- (1) English form.

Figure: 25 TAC §604.1(a)(1)

(2) Spanish form.

Figure: 25 TAC §604.1(a)(2)

(b) Informed consent for:

(1) radiation therapy shall be provided in accordance with §604.2 of this chapter (relating to Disclosure and Consent Form for Radiation Therapy);

(2) electroconvulsive therapy shall be provided in accordance with §604.3 of this chapter (relating to Informed Consent for Electroconvulsive Therapy);

(3) hysterectomy procedures shall be provided in accordance with §604.4 of this chapter (relating to Disclosure and Consent Form for Hysterectomy); and

(4) anesthesia and/or perioperative pain management (analgesia) procedures shall be in accordance with §604.5 of this chapter (relating to Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia)).

§604.2. Disclosure and Consent Form for Radiation Therapy.

The Texas Medical Disclosure Panel adopts the following form to be used by a physician or health care provider to inform a patient or person authorized to consent for a patient of the possible risks and hazards involved in the radiation therapy named in the form. This form is to be used in lieu of the general disclosure and consent form adopted in §604.1(a) of this chapter (relating to Disclosure and Consent Form) for disclosure and consent relating to only radiation therapy procedures. If a surgical or anesthetic procedure is required in combination with a radiation therapy procedure, the general disclosure and consent form as adopted in §604.1(a) of this chapter and the form adopted in this section shall be used. The general disclosure and consent form shall be used for the surgical or anesthetic procedure and the radiation therapy disclosure and consent form shall be used for the radiation therapy procedure. Providers shall have the form available in both English and Spanish language versions. Both versions are available from the Health and Human Services Commission.

(1) English form.

Figure: 25 TAC §604.2(1)

(2) Spanish form.

Figure: 25 TAC §604.2(2)

§604.3. Informed Consent for Electroconvulsive Therapy.

(a) Health and Safety Code (HSC) §578.003, relating to Consent to Therapy, requires the Texas Department of State Health Services (DSHS) to adopt a standard written consent form to be used when electroconvulsive therapy is considered. HSC §578.003 requires that the form include the minimum information which is also required by the Texas Medical Disclosure Panel (panel) for electroconvulsive therapy. HSC §578.003 states that use of the consent form prescribed by DSHS in the manner described by HSC §578.003 creates a rebuttable presumption that the disclosure requirements of Texas Civil Practice and Remedies Code §74.102 have been met.

(b) The panel recognizes that DSHS has adopted a written consent form for electroconvulsive therapy in §405.108 of this title (relating to Informed Consent to ECT).

(c) If the DSHS consent form is in compliance with HSC §578.003, and contains the minimum information required by the panel for electroconvulsive therapy, specifically the risks and hazards identified by the panel, a physician or health care provider using the DSHS consent form for electroconvulsive therapy is not required to

use both the DSHS form and the panel's Disclosure and Consent - Medical Care and Surgical Procedures form to document consent for the electroconvulsive therapy. This section does not constitute approval of DSHS's current consent form or of DSHS's assessment of the risks and hazards associated with electroconvulsive therapy.

(d) If the physician or healthcare provider will be administering List A anesthesia or analgesia in conjunction with electroconvulsive therapy, the panel recommends utilization of the panel's Disclosure and Consent - Anesthesia and/or Perioperative Pain Management (Analgesia) form set out at §604.5(1) or (2) of this chapter (relating to Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia)) to document disclosure and consent for the anesthesia and analgesia. The panel's form includes the risks and hazards identified by the panel for List A anesthesia and analgesia.

§604.4. Disclosure and Consent Form for Hysterectomy.

The Texas Medical Disclosure Panel adopts the following form which shall be used to provide informed consent to a patient or person authorized to consent for the patient of the possible risks and hazards involved in the hysterectomy surgical procedure named in the form. This form is to be used in lieu of the general disclosure and consent form adopted in §604.1(a) of this chapter (relating to Disclosure and Consent Form) for disclosure and consent relating to only hysterectomy procedures. Providers shall have the form available in both English and Spanish language versions. Both versions are available from the Health and Human Services Commission.

(1) English form.

Figure: 25 TAC §604.4(1)

(2) Spanish form.

Figure: 25 TAC §604.4(2)

§604.5. Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia).

The Texas Medical Disclosure Panel adopts the following form which shall be used to provide informed consent to a patient or person authorized to consent for the patient of the possible risks and hazards involved in anesthesia and/or perioperative pain management (analgesia). Providers shall have the form available in both English and Spanish language versions. Both versions are available from the Health and Human Services Commission.

(1) English form.

Figure: 25 TAC §604.5(1)

(2) Spanish form.

Figure: 25 TAC §604.5(2)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 17, 2023.

TRD-202302563

Dr. Noah Appel

Panel Chairman

Texas Medical Disclosure Panel

Earliest possible date of adoption: August 27, 2023

For further information, please call: (512) 438-2889



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 15. TEXAS VETERANS COMMISSION

CHAPTER 460. FUND FOR VETERANS' ASSISTANCE PROGRAM SUBCHAPTER A. GENERAL PROVISIONS REGARDING THE FUND FOR VETERANS' ASSISTANCE PROGRAM

40 TAC §460.18

The Texas Veterans Commission (Commission) proposes a new rule, Chapter 460, Subchapter A, concerning the General Provisions Regarding the Fund for Veterans' Assistance Program, located in Title 40, Part 15, of the Texas Administrative Code.

PART I. PURPOSE AND BACKGROUND

Effective September 1, 2023, HB 2951 amended Chapter 434, Government Code by adding §434.029 to allow the commission to establish a pilot program for veterans to assist in mitigating the symptoms of military service-related post-traumatic stress disorder, traumatic brain injury, or military sexual trauma through the provision of a service dog. The pilot program concludes, and this section expires September 1, 2027.

PART II. EXPLANATION OF SECTION

SUBCHAPTER A. GENERAL PROVISIONS REGARDING THE FUND FOR VETERANS' ASSISTANCE PROGRAM

§460.18. Service Dog Pilot Program.

Section 460.18 sets out the requirements of the agency to establish a pilot program for veterans to assist in mitigating the symptoms of military service-related post-traumatic stress disorder, traumatic brain injury, military sexual trauma through the provision of a trained service dog.

PART III. IMPACT STATEMENTS

FISCAL NOTE

Coretta Briscoe, Chief Financial Officer of the Texas Veterans Commission, has determined for each year of the first five years the proposed rule amendment will be in effect, there will not be an increase in expenditures or revenue for state and local government as a result of administering the proposed rule.

COSTS TO REGULATED PERSONS

Ms. Briscoe has also determined there will not be anticipated economic costs to persons required to comply with the proposed rule.

LOCAL EMPLOYMENT IMPACT

Anna Baker, Director, Veterans Employment Services of the Texas Veterans Commission, has determined that there will not be a significant impact upon employment conditions in the state from the proposed rule.

SMALL BUSINESS, MICRO BUSINESS AND RURAL COMMUNITIES IMPACT

Megan Tamez, Veterans Entrepreneur Program of the Texas Veterans Commission, has determined that the proposed rule will not have an adverse economic effect on small businesses, micro businesses or rural communities as defined in Texas Govern-

ment Code §2006.001. As a result, an Economic Impact Statement and Regulatory Flexibility Analysis is not required.

PUBLIC BENEFIT

Shawn Deabay, Deputy Executive Director of the Texas Veterans Commission, has determined that for each year of the first five years the proposed rule is in effect, the public benefit anticipated as a result of administering the amended rule will increase participation within each of the agency's three remaining advisory committees.

GOVERNMENT GROWTH IMPACT STATEMENTS

Mr. Deabay has also determined that for each year of the first five years that the proposed rule amendment is in effect, the following statements will apply:

- (1) The proposed rule amendment will not create or eliminate a government program.
- (2) Implementation of the proposed rule amendment will not require creation of new employee positions, or elimination of existing employee positions.
- (3) Implementation of the proposed rule amendment will not require an increase or decrease in future legislative appropriations to the agency.
- (4) No fees will be created by the proposed rule amendment.
- (5) The proposed rule amendment will not require new regulations.
- (6) The proposed rule amendment has no effect on existing regulations.
- (7) The proposed rule amendment has no effect on the number of individuals subject to the rule's applicability.
- (8) The proposed rule amendment has no effect on this state's economy.

PART IV. COMMENTS

Comments on the proposed new rule may be submitted to Attention: General Counsel, Texas Veterans Commission, P.O. Box 12277, Austin, Texas 78711 or by fax to (512) 475-2395. Comments may also be submitted electronically to rulemaking@tvc.texas.gov. For comments submitted electronically, please include "Service Dog Pilot Program" in the subject line. The deadline for submission of comments is twenty days from the date of publication of the proposed new rule in the *Texas Register*. Comments should be organized in a manner consistent with the organization of the rule under consideration.

PART V. STATUTORY AUTHORITY

The new rule is proposed under Texas Government Code §434.010, granting the commission the authority to establish rules; and at the directive of H.B. 2951, 88th Legislature, Regular Session (2023), and Texas Government Code §434.017, granting the Commission the authority to establish rules governing the award of grants by the Commission.

No other statutes, articles, or codes are affected by this proposal.

§460.18. Service Dog Pilot Program.

It is the objective of the Service Dog Pilot Program to assist veterans in mitigating the symptoms of military service-related post-traumatic stress disorder, traumatic brain injury, or military sexual trauma through the provision of a service dog. Funds were appropriated for

this purpose by the 88th Legislature (General Appropriations Act, Article I, Rider 14, 88th Legislature, Regular Session).

(1) Texas Veterans Commission (TVC) will award grants to non-profit corporations under Texas Government Code §434.017 to provide trained service dogs, training, and services to veterans who participate in the pilot program.

(2) The commission will include the Service Dog Pilot Program grants in the Request for Applications (RFA) for the duration of the pilot program.

(3) Non-profit corporations will be selected for grants under the pilot program based on the criteria listed in Texas Government Code §434.029 and the RFA.

(4) Non-profit corporations selected for these grants are expected to track and provide data for TVC to evaluate the pilot program and prepare a report as required by Texas Government Code §434.029.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302512

Kathleen Cordova

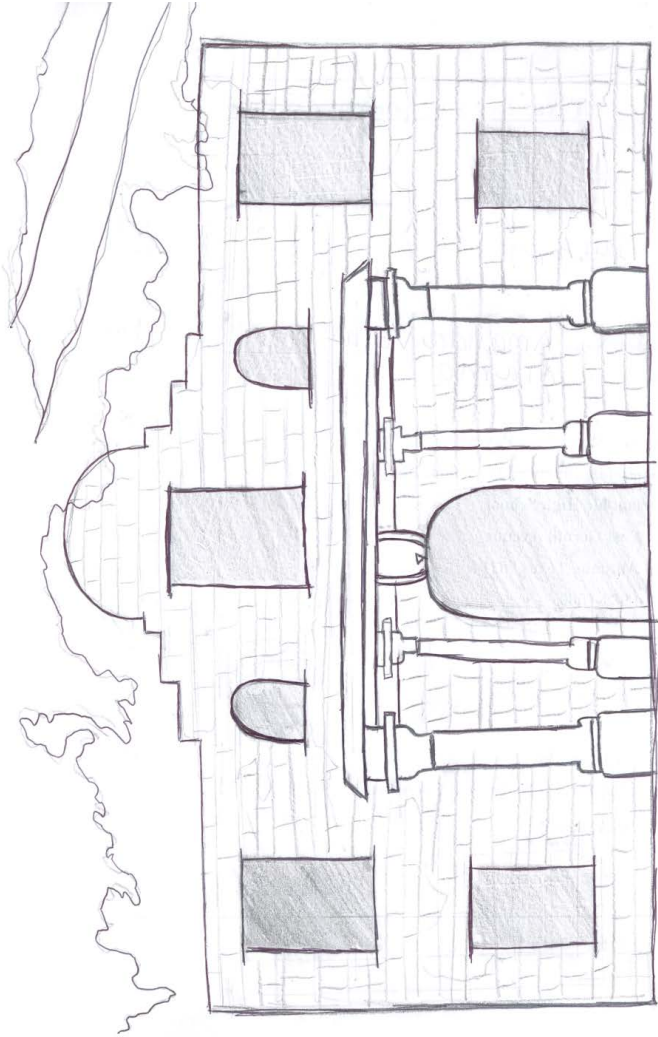
General Counsel

Texas Veterans Commission

Earliest possible date of adoption: August 27, 2023

For further information, please call: (737) 320-4167





ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 554. NURSING FACILITY REQUIREMENTS FOR LICENSURE AND MEDICAID CERTIFICATION

SUBCHAPTER X. REQUIREMENTS FOR MEDICAID-CERTIFIED FACILITIES

26 TAC §554.2312

The Texas Health and Human Services Commission (HHSC) adopts the repeal of §554.2312, concerning Surety Bonds or Letters of Credit.

The repeal of §554.2312 is adopted without changes to the proposed text as published in the March 17, 2023, issue of the *Texas Register* (48 TexReg 1517). This rule will not be republished.

BACKGROUND AND PURPOSE

The purpose of the adopted repeal is to align the Texas Administrative Code to current HHSC policies and procedures concerning surety bonds or letters of credit. The repealed rule provided an optional procedure for issuing a surety bond to expedite the release of vendor holds. Under the repealed rule, the surety bond may only be issued after all cost reports have been submitted and recoupments pertaining to staffing have been paid in full. HHSC's standard procedure is to release the vendor hold after the provider submits the cost report and pays any recoupment in full. Recoupments are offset against new claims or held payments. The standard procedure is efficient, and providers have not used the optional surety bond procedure to expedite the release of vendor holds. The repealed rule was last amended in 2004.

PUBLIC COMMENT

The 31-day comment period ended April 17, 2023.

During this period, HHSC did not receive any comments regarding the proposed repeal.

STATUTORY AUTHORITY

The repeal is adopted under Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §531.021(b-1), which establishes HHSC as

the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for medical assistance payments under the Texas Human Resources Code Chapter 32.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 17, 2023.

TRD-202302564

Karen Ray
Chief Counsel

Health and Human Services Commission

Effective date: August 6, 2023

Proposal publication date: March 17, 2023

For further information, please call: (512) 867-7817



TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 53. FINANCE

The Texas Parks and Wildlife Commission in a duly noticed meeting on May 25, 2023, adopted amendments to 31 TAC §§53.4 - 53.6, concerning Fees, new §53.18, concerning License Issuance Procedures, Fees, Possession, and Exemption Rules - Provisions for Digital Products, and new §53.60, concerning Stamps, without changes to the proposed text as published in the April 21, 2023, issue of the *Texas Register* (48 TexReg 2042). The rules will not be republished.

The amendments and new sections will, in conjunction with adopted amendments to §§65.7, 65.8, 65.10, 65.42, 65.64 and new §57.984, published elsewhere in this issue of the *Texas Register*, function to create and implement provisions for use of a digital version of the youth hunting license, digital tags for lifetime resident hunting licenses and lifetime resident fishing licenses, and a digital version of the exempt angler red drum tag.

The 87th Texas Legislature (2021) enacted House Bill (H.B.) 3081, which authorized the commission to develop and implement a program for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals. The department accordingly initiated a pilot program in 2022 to determine the public receptivity to and logistical feasibility of the concept of digital licenses, stamp endorse-

ments, and tags for hunting and fishing, which resulted in the creation of digital versions of the super combination hunting and "all water" fishing license and the lifetime resident super combination hunting and "all water" fishing package (47 TexReg 1888).

After conducting an analysis of customer purchasing behavior with respect to digital licenses and products, the department has determined that it is appropriate to offer a digital version of the youth hunting license, the lifetime resident hunting license, and the lifetime fishing license for the license year beginning September 1, 2023. Additionally, the exempt angler red drum tag, which allows persons who are exempt from fishing license and stamp endorsement requirements to harvest red drum, would be available in a digital version.

The amendment to §53.4, concerning Lifetime Licenses, provides for the issuance of digital versions of the lifetime resident hunting and lifetime resident fishing licenses.

The amendment to §53.5, concerning Recreational Hunting Licenses, Stamps, and Tags, provides for the issuance of a digital version of the youth hunting license.

The amendment to §53.6, concerning Recreational Fishing Licenses, Stamps, and Tags, provides for a digital version of the exempt angler red drum tag.

New §53.18, concerning License Issuance Procedures, Fees, Possession, and Exemption Rules - Provisions for Digital Products, adds the youth hunting license, lifetime resident hunting license, and lifetime resident fishing licenses to the applicability of rules in the subchapter with respect to providing proof of licensure for persons who purchase a digital license.

The amendment to §53.60, concerning Stamps, creates exceptions to the current rules regarding possession of required stamps necessary to accommodate the creation of digital licenses.

The department received no comments opposing adoption of the rules.

The department received four comments supporting adoption of the rules.

SUBCHAPTER A. FEES

DIVISION 1. LICENSE, PERMIT, AND BOAT AND MOTOR FEES

31 TAC §§53.4 - 53.6, 53.18

The amendments and new section are adopted under the authority of Parks and Wildlife Code, §42.010, which requires the department to prescribe the form and issuance of hunting licenses authorized under Parks and Wildlife Code, Chapter 42; §42.0101, which authorizes the commission to promulgate rules for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals, including rules allowing a person using a digital tag to create a digital record at the time of the taking of an animal that includes information required by the department as soon as possible after the taking of the animal and requiring a person using a digital tag to retain in the person's possession documentation of a required digital record at all times before the carcass is finally processed; §42.0177, which authorizes the commission to modify or eliminate the tagging, carcass, final destination, and final processing requirements of Chapter 42; §42.006, which authorizes the commission to prescribe requirements relating to possessing a license issued under Chapter 42 by rule; §46.0085,

which authorizes the department to issue tags for finfish species allowed by law to be taken during each year or season from coastal waters of the state to holders of licenses authorizing the taking of finfish species; §46.0086, which authorizes the commission to prescribe tagging requirements for the take of finfish; §50.004, which requires the department to issue and prescribe the form and manner of issuance for combination hunting and fishing licenses, including identification and compliance requirements; §61.052, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; and §61.054 which requires the commission to specify the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302551

James Murphy

General Counsel

Texas Parks and Wildlife Department

Effective date: August 15, 2023

Proposal publication date: April 21, 2023

For further information, please call: (512) 389-4775



SUBCHAPTER B. STAMPS

31 TAC §53.60

The amendment is adopted under the authority of Parks and Wildlife Code, §42.010, which requires the department to prescribe the form and issuance of hunting licenses authorized under Parks and Wildlife Code, Chapter 42; §42.0101, which authorizes the commission to promulgate rules for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals, including rules allowing a person using a digital tag to create a digital record at the time of the taking of an animal that includes information required by the department as soon as possible after the taking of the animal and requiring a person using a digital tag to retain in the person's possession documentation of a required digital record at all times before the carcass is finally processed; §42.0177, which authorizes the commission to modify or eliminate the tagging, carcass, final destination, and final processing requirements of Chapter 42; §42.006, which authorizes the commission to prescribe requirements relating to possessing a license issued under Chapter 42 by rule; §46.0085, which authorizes the department to issue tags for finfish species allowed by law to be taken during each year or season from coastal waters of the state to holders of licenses authorizing the taking of finfish species; §46.0086, which authorizes the commission to prescribe tagging requirements for the take of finfish; §50.004, which requires the department to issue and prescribe the form and manner of issuance for combination hunting and fishing li-

censes, including identification and compliance requirements; §61.052, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; and §61.054 which requires the commission to specify the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302552

James Murphy

General Counsel

Texas Parks and Wildlife Department

Effective date: August 15, 2023

Proposal publication date: April 21, 2023

For further information, please call: (512) 389-4775



CHAPTER 57. FISHERIES
SUBCHAPTER N. STATEWIDE RECREATIONAL AND COMMERCIAL FISHING
PROCLAMATION
DIVISION 2. STATEWIDE RECREATIONAL FISHING PROCLAMATION

31 TAC §57.984

The Texas Parks and Wildlife Commission in a duly noticed meeting on May 25, 2023, adopted new §57.984, concerning Special Provisions - Digital Exempt Angler Red Drum Tag, without changes to the proposed text as published in the April 21, 2023, issue of the *Texas Register* (48 TexReg 2044). The rule will not be republished.

The new section prescribes the requirements for the take of over-size red drum by persons who are exempt by statute or rule from fishing license possession requirements. The department in adopted new 31 TAC §53.18 (published elsewhere in this issue of the *Texas Register*) has created a digital version of the current exempt angler red drum tag. The proposed new rule is necessary to prescribe the requirements for the execution of the tag. The proposed new rule is also necessary because under ordinary circumstances the provisions would be part of §57.981, concerning Bag, Possession, and Length Limits; however, that section is currently the subject of proposed rulemaking, which makes it unavailable for amendment in time to take effect before the next license year.

The 87th Texas Legislature (2021) enacted House Bill (H.B.) 3081, which authorized the commission to develop and implement a program for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals. The department accordingly initiated a pilot program in 2022 to determine the public receptivity to and legis-

tical feasibility of the concept of digital licenses, stamp endorsements, and tags for hunting and fishing, which resulted in the creation of digital versions of the super combination hunting and "all water" fishing license and the lifetime resident super combination hunting and "all water" fishing package (47 TexReg 1888).

After conducting an analysis of customer purchasing behavior with respect to digital licenses, the department has determined that it is feasible to offer a digital version of the exempt angler red drum tag, which allows persons who are exempt from fishing license and stamp endorsement requirements to harvest red drum, would be available in a digital version.

The department received no comments opposing adoption of the rules.

The department received four comments supporting adoption of the rules.

The new section is adopted under the authority of Parks and Wildlife Code, §42.006, which authorizes the commission to prescribe requirements relating to possessing a license issued under Chapter 42 by rule; §46.0085, which authorizes the department to issue tags for finfish species allowed by law to be taken during each year or season from coastal waters of the state to holders of licenses authorizing the taking of finfish species; §46.0086, which authorizes the commission to prescribe tagging requirements for the take of finfish; §50.004, which requires the department to issue and prescribe the form and manner of issuance for combination hunting and fishing licenses, including identification and compliance requirements; §61.052, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; and §61.054, which requires the commission to specify the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302553

James Murphy

General Counsel

Texas Parks and Wildlife Department

Effective date: August 15, 2023

Proposal publication date: April 21, 2023

For further information, please call: (512) 389-4775



CHAPTER 65. WILDLIFE
SUBCHAPTER A. STATEWIDE HUNTING
PROCLAMATION

The Texas Parks and Wildlife Commission in a duly noticed meeting on May 25, 2023, adopted amendments to 31 TAC §§65.7, 65.8, 65.10, 65.42, and 65.64, concerning the Statewide Hunting Proclamation, without changes to the proposed text as

published in the April 21, 2023, issue of the *Texas Register* (48 TexReg 2046). The rules will not be republished.

The amendments will function, in conjunction with adopted amendments to §§53.4 - 53.6, 53.60, new 53.18, and new §57.984, published elsewhere in this issue of the *Texas Register*, to create and implement provisions for the use of a digital version of the youth hunting license and digital tags for lifetime resident hunting licenses and lifetime resident fishing licenses.

The 87th Texas Legislature (2021) enacted House Bill (H.B.) 3081, which authorized the commission to develop and implement a program for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals. The department accordingly initiated a pilot program in 2022 to determine the public receptivity to and logistical feasibility of the concept of digital licenses, stamp endorsements, and tags for hunting and fishing, which resulted in the creation of digital versions of the super combination hunting and "all water" fishing license and the lifetime resident super combination hunting and "all water" fishing package (47 TexReg 1888).

After conducting an analysis of customer purchasing behavior with respect to digital licenses, the department has determined that it is feasible to offer a digital version of the youth hunting license and the lifetime resident hunting license.

The department received no comments opposing adoption of the rules.

The department received four comments supporting adoption of the rules.

DIVISION 1. GENERAL PROVISIONS

31 TAC §§65.7, 65.8, 65.10

The amendments are adopted under the authority of Parks and Wildlife Code, §42.010, which requires the department to prescribe the form and issuance of hunting licenses authorized under Parks and Wildlife Code, Chapter 42; §42.0101, which authorizes the commission to promulgate rules for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals, including rules allowing a person using a digital tag to create a digital record at the time of the taking of an animal that includes information required by the department as soon as possible after the taking of the animal and requiring a person using a digital tag to retain in the person's possession documentation of a required digital record at all times before the carcass is finally processed; §42.0177, which authorizes the commission to modify or eliminate the tagging, carcass, final destination, and final processing requirements of Chapter 42; §42.006, which authorizes the commission to prescribe requirements relating to possessing a license issued under Chapter 42 by rule; and §61.054 which requires the commission to specify the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302554

James Murphy

General Counsel

Texas Parks and Wildlife Department

Effective date: August 15, 2023

Proposal publication date: April 21, 2023

For further information, please call: (512) 389-4775



DIVISION 2 OPEN SEASONS AND BAG LIMITS

31 TAC §§65.42, §65.47

The amendments are adopted under the authority of Parks and Wildlife Code, §42.010, which requires the department to prescribe the form and issuance of hunting licenses authorized under Parks and Wildlife Code, Chapter 42; §42.0101, which authorizes the commission to promulgate rules for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals, including rules allowing a person using a digital tag to create a digital record at the time of the taking of an animal that includes information required by the department as soon as possible after the taking of the animal and requiring a person using a digital tag to retain in the person's possession documentation of a required digital record at all times before the carcass is finally processed; §42.0177, which authorizes the commission to modify or eliminate the tagging, carcass, final destination, and final processing requirements of Chapter 42; §42.006, which authorizes the commission to prescribe requirements relating to possessing a license issued under Chapter 42 by rule; §46.0085, which authorizes the department to issue tags for finfish species allowed by law to be taken during each year or season from coastal waters of the state to holders of licenses authorizing the taking of finfish species; §46.0086, which authorizes the commission to prescribe tagging requirements for the take of finfish; §50.004, which requires the department to issue and prescribe the form and manner of issuance for combination hunting and fishing licenses, including identification and compliance requirements; §61.052, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; and §61.054 which requires the commission to specify the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302555

James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: August 15, 2023
Proposal publication date: April 21, 2023
For further information, please call: (512) 389-4775



SUBCHAPTER N. MIGRATORY GAME BIRD PROCLAMATION

31 TAC §§65.314 - 65.320

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 24, 2023, adopted amendments to 31 TAC §§65.314 - 65.320, concerning the Migratory Game Bird Proclamation, without changes to the proposed text as published in the February 17, 2023, issue of the *Texas Register* (48 TexReg 832). The rules will not be republished.

The United States Fish and Wildlife Service (Service) issues annual frameworks for the hunting of migratory game birds in the United States. Regulations adopted by individual states may be more restrictive than the federal frameworks but may not be less restrictive. Responsibility for establishing seasons, bag limits, means, methods, and devices for harvesting migratory game birds within Service frameworks is delegated to the Texas Parks and Wildlife Commission (Commission) under Parks and Wildlife Code, Chapter 64, Subchapter C.

With one exception, the amendments specify the season dates for hunting the various species of migratory game birds for 2023-2024 seasons. The rules retain the season structure and bag limits for all species of migratory game birds from last year while adjusting the season dates to allow for calendar shift (i.e., to ensure that seasons open on the desired day of the week), since dates from a previous year do not fall on the same days in following years.

The exception mentioned earlier in this preamble is the amendment to §65.318, concerning Sandhill Crane, which clarifies that the federal sandhill crane permit required by the subsection is not valid unless it is issued by the department (i.e., a federal crane permit issued by another state is not valid to hunt sandhill crane in Texas).

The department received nine comments opposing adoption of the rules as proposed. Of those comments, all nine commenters articulated a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow. The department notes that several comments consisted of more than one component; therefore, the total number of department responses is greater than the total number of commenters.

One commenter opposed adoption and stated that the daily bag limit for white-fronted geese should be eight birds. The department disagrees with the comment and responds that under the federal frameworks, the maximum allowable bag limit for white-fronted geese is three. No changes were made as a result of the comment. One commenter opposed adoption and stated that the north zone duck season should run from January 28 until February 11. The department disagrees with the comment and responds that under federal frameworks, duck seasons in Texas cannot extend beyond January 31. No changes were made as a result of the comment. One commenter opposed adoption and

stated that there should be a bag limit for snow geese during the Light Geese Conservation Order. The department disagrees with the comment and responds that by federal rule, there is no bag limit for light geese during the Light Geese Conservation Order. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the season for dark geese should be delayed by one week, like it was in years past, and that structuring the season to benefit outfitters in Knox and Haskell counties is ridiculous. The department disagrees with the comment and responds that the season as adopted is intended to provide the greatest amount of hunting opportunity while dark geese are present in large numbers, and reflects the preferences of hunters and landowners, not outfitters in any particular county. No changes were made as a result of the comment.

One commenter opposed adoption and stated that sandhill crane and goose seasons should end concurrently, like it used to be. The department disagrees with the comment and responds that because sandhill crane and goose zones are geographically different, there is no way to have goose seasons and sandhill crane seasons end concurrently on a statewide basis without curtailing hunting opportunity; however, the seasons do end concurrently in the Eastern Zone. No changes were made as a result of the comment.

One commenter opposed adoption and stated that outfitters should be licensed and there should be a limit on the number of outfitters allowed to operate in particular areas. The department disagrees with the comment and responds that the commission does not have statutory authority to regulate the business of outfitters or hunting guides. No changes were made as a result of the comment.

One commenter opposed adoption and stated that duck season in the north zone should end on January 31 instead of January 28. The department disagrees with the comment and responds that the season as adopted utilizes the entirety of the season days for duck hunting available to Texas under the federal frameworks and is scheduled in such a fashion as to include as many weekends as possible in order to provide maximum hunting opportunity. No changes were made as a result of the comment.

One commenter opposed adoption and stated that duck season should be extended into February. The department disagrees with the comment and responds that under the federal frameworks duck seasons cannot extend past January 31. No changes were made as a result of the comment.

One commenter opposed adoption and stated that it makes no sense to lower the bag limit for light geese during the regular season only to eliminate it during the Light Goose Conservation Order. The department disagrees with the comment and responds that the daily bag limit for the regular season has not been lowered and remains the same as for the previous four years. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the daily bag limit for pintails should be two. The department disagrees with the comment and responds that under the federal frameworks, the maximum daily bag limit for pintails is one. The department believes that the bag limit as adopted will not result in negative population impacts to pintails. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the hunting of sandhill cranes should be allowed in Jefferson County. The

department disagrees with the comment and responds that federal rules do not allow for crane hunting in the southeast portion of Texas, including Jefferson County. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the season for mottled ducks should be closed. The department disagrees with the comment and responds that it is the policy of the commission to adopt the most liberal seasons and bag limits allowable under the federal frameworks, unless there is biological justification not to do so. The department believes that the bag limit as adopted will not result in negative population impacts to mottled ducks. No changes were made as a result of the comment.

The department received 19 comments supporting adoption of the rules as proposed.

The amendments are adopted under Parks and Wildlife Code, Chapter 64, which authorizes the Commission and the Executive Director to provide the open season and means, methods, and devices for the hunting and possessing of migratory game birds.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 14, 2023.

TRD-202302550

James Murphy

General Counsel

Texas Parks and Wildlife Department

Effective date: August 3, 2023

Proposal publication date: February 17, 2023

For further information, please call: (512) 389-4775



TITLE 34. PUBLIC FINANCE

PART 6. TEXAS MUNICIPAL RETIREMENT SYSTEM

CHAPTER 127. MISCELLANEOUS RULES

The Board of Trustees (Board) of the Texas Municipal Retirement System (TMRS or the System) adopts the repeal of current 34 TAC Chapter 127 (Chapter 127), relating to miscellaneous rules as published in the May 19, 2023, issue of the *Texas Register* (48 TexReg 2557). TMRS also adopts the replacement of the current Chapter 127 with the adopted new Chapter 127, also relating to miscellaneous rules as published in the May 19, 2023, issue of the *Texas Register* (48 TexReg 2557). The repeals will not be republished.

REPEAL OF CURRENT CHAPTER 127

TMRS repeals the following rules: 34 TAC §127.1, Procedures for Release of Board Records; 34 TAC §127.2, Payment to Beneficiaries of Decedents; 34 TAC §127.3, Conformity with Internal Revenue Code: Preservation of Benefits; 34 TAC §127.4, Credited Service under the Uniformed Services Employment and Reemployment Rights Act; 34 TAC §127.6, Acceptance of Rollovers and Transfers; 34 TAC §127.7, Rollovers of Plan Distributions; 34 TAC §127.8, Plan Limitations; 34 TAC §127.9, Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006; and 34 TAC §127.10, Conformity with Internal Revenue Code: Additional Provisions.

ADOPTION OF NEW CHAPTER 127

The Board of TMRS adopts new 34 TAC Chapter 127, §§127.1, 127.3 - 127.13, relating to miscellaneous rules, without changes to the proposed text as published in the May 19, 2023, issue of the *Texas Register* (48 TexReg 2557). The rules will not be republished.

The Board of TMRS adopts the following new Chapter 127 rules: 34 TAC §127.1, Procedures for Release of Board Records; 34 TAC §127.3, Conformity with Internal Revenue Code: Preservation of Benefits; 34 TAC §127.4, Credited Service under the Uniformed Services Employment and Reemployment Rights Act; 34 TAC §127.5, Prorating of Contributions Based on Compensation Limited by Internal Revenue Code §401(a)(17); 34 TAC §127.6, Acceptance of Rollovers and Transfers; 34 TAC §127.7, Rollovers of Plan Distributions; 34 TAC §127.8, Plan Limitations; 34 TAC §127.9, Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006; 34 TAC §127.10, Conformity with Internal Revenue Code: Additional Provisions; 34 TAC §127.11, Required Minimum Distributions: General Rule, Forfeiture and Reinstatement; 34 TAC §127.12, Refund of Unrecovered Contributions; and 34 TAC §127.13, Late Contributions Sent Electronically.

BACKGROUND AND PURPOSE

New Chapter 127 is adopted to update, modernize, and provide clarification to its rules relating to miscellaneous subjects. Statutes specific to TMRS are found in Title 8, Subtitle G, Chapters 851 through 855, Texas Government Code (the "TMRS Act"). TMRS may promulgate rules it deems necessary to implement the TMRS Act. In addition, the repeal and replacement of Chapter 127 is adopted as a result of TMRS' rule review, which was conducted pursuant to Texas Government Code §2001.039.

Six provisions of the adopted new Chapter 127 rules are unchanged from existing rules; these six rules are found in new 34 TAC §127.3, Conformity with Internal Revenue Code: Preservation of Benefits; 34 TAC §127.4, Credited Service under the Uniformed Services Employment and Reemployment Rights Act; 34 TAC §127.6, Acceptance of Rollovers and Transfers; 34 TAC §127.7, Rollovers of Plan Distributions; 34 TAC §127.8, Plan Limitations; and 34 TAC §127.9, Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006. Two adopted new rules are amendments to the current rules to better clarify how the System interprets and administers benefits and to update references to laws or other TMRS rules that have been amended; these are 34 TAC §127.1, Procedures for Release of Board Record and 34 TAC §127.10, Conformity with Internal Revenue Code: Additional Provisions. Two adopted new rules are new clarifications of internal procedures: 34 TAC §127.12, Refund of Unrecovered Contributions and 34 TAC §127.13, Late Contributions Sent Electronically. Substantive changes, however, are adopted in the two remaining new rules, which changes are described as follows: adds a provision clarifying current practice for the proration of contributions subject to the compensation limit in Internal Revenue Code §401(a)(17) (in §127.5, Prorating of Contributions Based on Compensation Limited by Internal Revenue Code §401(a)(17)); and adds new procedures to comply with Internal Revenue Code §401(a)(9) and related regulations regarding required minimum distributions (in §127.11, Required Minimum Distributions: General Rule, Forfeiture and Reinstatement).

Current rule §127.2, Payment to Beneficiaries of Decedents, is repealed as it is no longer necessary for the administration of the System.

COMMENTS

No Comments were received regarding the adoption of the repeal and new Chapter 127.

34 TAC §§127.1 - 127.4, 127.6 - 127.10

STATUTORY AUTHORITY

The repeal of existing Chapter 127 is adopted under the authority granted under the following provisions of the TMRS Act or the Texas Government Code: (i) Government Code §851.006, which allows the Board to adopt rules to allow the System to make payments in accordance with Section 845 of the Pension Protection Act of 2006; (ii) Government Code §852.103, which allows the Board to adopt rules to implement withdrawals of contributions and rollover distributions; (iii) Government Code §853.004, which allows the Board to adopt rules necessary or desirable to implement Chapter 853; (iv) Government Code §853.506, which allows the Board to adopt rules to comply with the Uniformed Services Employment and Reemployment Rights Act; (v) Government Code §854.003, which allows the Board to adopt rules to comply with the distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986; and (vi) Government Code §855.102, which allows the Board to adopt rules it finds necessary or desirable for the efficient administration of the System. In addition, the rule changes are adopted as a result of TMRS' rule review, which was conducted pursuant to Texas Government Code §2001.039.

CROSS-REFERENCE TO STATUTES

Texas Government Code:

Chapter 552, §851.001, §851.002, §851.006, §852.103, §853.003, §853.506, §854.002, §854.003, §854.004, §854.007, §854.008, §854.103, §854.502, §855.103, §855.112, §855.115, §855.306, §855.402, and §855.410.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 12, 2023.

TRD-202302490

Christine M. Sweeney

Chief Legal Officer

Texas Municipal Retirement System

Effective date: August 1, 2023

Proposal publication date: May 19, 2023

For further information, please call: (512) 225-3710

◆ ◆ ◆
34 TAC §§127.1, 127.3 - 127.13

STATUTORY AUTHORITY

The new Chapter 127 rules are adopted pursuant to the authority granted under the following provisions of the TMRS Act or the Texas Government Code: (i) Government Code §851.006, which allows the Board to adopt rules to allow the System to make payments in accordance with Section 845 of the Pension Protection Act of 2006; (ii) Government Code §852.103, which allows the Board to adopt rules to implement withdrawals of contributions and rollover distributions; (iii) Government Code §853.004, which allows the Board to adopt rules necessary or desirable to implement Chapter 853; (iv) Government Code §853.506, which allows the Board to adopt rules to comply with the Uniformed Services Employment and Reemployment Rights Act; (v) Government Code §854.003, which allows the Board to adopt rules to comply with the distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986; (vi) Government Code §855.102, which allows the Board to adopt rules it finds necessary or desirable for the efficient administration of the System; and (vii) Government Code 855.201, which allows the Board to delegate to the executive director powers and duties provided to the Board by the TMRS Act. In addition, the rule changes are adopted as a result of TMRS' rule review, which was conducted pursuant to Texas Government Code §2001.039.

CROSS-REFERENCE TO STATUTES

Texas Government Code: Chapter 522, §851.001, §851.002, §851.006, §852.103, §853.003, §853.506, §854.002, §854.003, §854.004, §854.007, §854.008, §854.103, §854.502, §855.103, §855.112, §855.115, §855.306, §855.402, and §855.410.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 12, 2023.

TRD-202302491

Christine M. Sweeney

Chief Legal Officer

Texas Municipal Retirement System

Effective date: August 1, 2023

Proposal publication date: May 19, 2023

For further information, please call: (512) 225-3710



TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Texas Department of Insurance

Rule Transfer

Under Texas Insurance Code §36.001 and §36.002, the commissioner of insurance is authorized to promulgate necessary and appropriate rules to implement the powers and duties of the Texas Department of Insurance under this code and other laws of this state. As part of the Texas Department of Insurance's ongoing rule review process, the commissioner has determined that certain rules are not well organized, and that insurers, insurance companies, issuers, and the public find them

difficult to navigate. Therefore, the commissioner finds that a reorganization is needed. Eighteen subchapters in 28 Texas Administrative Code, Part 1, Chapter 3, will be moved to a new Chapter 4 to improve their accessibility.

The rules will be transferred in the Texas Administrative Code effective September 1, 2023.

The following table outlines the rule transfer:

Figure: 28 TAC Chapter 3

Figure: 28 TAC Chapter 3

Current Rules Title 28. Insurance Part 1. Texas Department of Insurance Chapter 3. Life, Accident, and Health Insurance and Annuities	Move to Title 28. Insurance Part 1. Texas Department of Insurance Chapter 4. Life and Annuity
Subchapter NN. Consumer Notices for Life Insurance Policy and Annuity Contract Replacements	Subchapter C. Consumer Notices for Life Insurance Policy and Annuity Contract Replacements
§3.9501. Purpose.	§4.201. Purpose.
§3.9502. Definitions.	§4.202. Definitions.
§3.9503. Consumer Notice Content and Format Requirements.	§4.203. Consumer Notice Content and Format Requirements.
§3.9504. Consumer Notice Regarding Replacement for Insurers Using Agents.	§4.204. Consumer Notice Regarding Replacement for Insurers Using Agents.
§3.9505. Direct Response Consumer Notices.	§4.205. Direct Response Consumer Notices.
§3.9506. Filing Procedures for Substantially Similar Consumer Notices.	§4.206. Filing Procedures for Substantially Similar Consumer Notices.
Subchapter B. Individual Life Insurance Policy Form Checklist and Affirmative Requirements	Subchapter F. Individual Life Insurance Policy Form Checklist and Affirmative Requirements
§3.101. Payment of Premiums.	§4.601. Payment of Premiums.
§3.102. Grace Period.	§4.602. Grace Period.
§3.103. Entire Contract.	§4.603. Entire Contract.
§3.104. Incontestable Clause.	§4.604. Incontestable Clause.
§3.105. Statements of the Insured.	§4.605. Statements of the Insured.
§3.106. Misstatement of Age.	§4.606. Misstatement of Age.
§3.107. Policy Loans.	§4.607. Policy Loans.
§3.108. Automatic Nonforfeiture Benefits.	§4.608. Automatic Nonforfeiture Benefits.
§3.109. Automatic Premium Loans.	§4.609. Automatic Premium Loans.
§3.110. Cash Value.	§4.610. Cash Value.
§3.111. Reinstatement.	§4.611. Reinstatement.
§3.112. Payment of Claims.	§4.612. Payment of Claims.
§3.113. Family Group Special Requirements.	§4.613. Family Group Special Requirements.
§3.114. Dependent Child Riders and Family Term Riders.	§4.614. Dependent Child Riders and Family Term Riders.
§3.115. Requirements for a Package Consisting of a Deferred Life Policy with an Accidental Death Rider Attached.	§4.615. Requirements for a Package Consisting of a Deferred Life Policy with an Accidental Death Rider Attached.
§3.116. Substitute or Change of Insured Riders.	§4.616. Substitute or Change of Insured Riders.
§3.117. Preliminary Term Life Insurance.	§4.617. Preliminary Term Life Insurance.
§3.118. Conversion Provision.	§4.618. Conversion Provision.
§3.119. Limitations of Lawsuits.	§4.619. Limitations of Lawsuits.
§3.120. Backdating Policies.	§4.620. Backdating Policies.
§3.121. Settlement at Maturity.	§4.621. Settlement at Maturity.
§3.122. Tontine Provisions.	§4.622. Tontine Provisions.
§3.123. Assignment Provisions.	§4.623. Assignment Provisions.
§3.124. Provisions Relating to Dividends, Coupon Benefits, or Other Guaranteed Returns.	§4.624. Provisions Relating to Dividends, Coupon Benefits, or Other Guaranteed Returns.
§3.125. Premiums Paid in Advance.	§4.625. Premiums Paid in Advance.

§3.126. Annuity Contracts.	§4.626. Annuity Contracts.
§3.127. Certain Prohibited Provisions.	§4.627. Certain Prohibited Provisions.
§3.128. Renewal Premium on Term Policies.	§4.628. Renewal Premium on Term Policies.
Subchapter D. Indeterminate Premium Reduction Policies	Subchapter J. Indeterminate Premium Reduction Policies
§3.301. Purpose and Scope.	§4.1001. Purpose and Scope.
§3.302. Policy Form Submission.	§4.1002. Policy Form Submission.
§3.303. Solicitation and Advertising.	§4.1003. Solicitation and Advertising.
§3.304. Summary of Provisions.	§4.1004. Summary of Provisions.
§3.305. Relation of Initial to Later Premium Charge.	§4.1005. Relation of Initial to Later Premium Charge.
§3.306. Premium Redetermination.	§4.1006. Premium Redetermination.
§3.307. Reclassification of Policyholders.	§4.1007. Reclassification of Policyholders.
§3.308. Minimum Nonforfeiture Values.	§4.1008. Minimum Nonforfeiture Values.
§3.310. Artificial Maximum Premiums Prohibited.	§4.1010. Artificial Maximum Premiums Prohibited.
§3.311. General Enforcement.	§4.1011. General Enforcement.
Subchapter CC. Standards for Acceleration-of-Life-Insurance Benefits for Individual and Group Policies and Riders	Subchapter K. Standards for Acceleration-of-Life-Insurance Benefits for Individual and Group Policies and Riders
§3.4301. Purpose; Severability.	§4.1101. Purpose; Severability.
§3.4302. Acceleration-of-Life-Insurance: Scope of Benefits.	§4.1102. Acceleration-of-Life-Insurance: Scope of Benefits.
§3.4303. Required Policy Definitions; Evidence of Total and Permanent Disability.	§4.1103. Required Policy Definitions; Evidence of Total and Permanent Disability.
§3.4304. Standards for Medical Diagnoses.	§4.1104. Standards for Medical Diagnoses.
§3.4305. Termination of Benefit upon Exercise of Nonforfeiture Option.	§4.1105. Termination of Benefit upon Exercise of Nonforfeiture Option.
§3.4306. Methods for Determining Benefits and Allowable Charges and Fees.	§4.1106. Methods for Determining Benefits and Allowable Charges and Fees.
§3.4307. Limitations on Reduction of Cash Values.	§4.1107. Limitations on Reduction of Cash Values.
§3.4308. Pro Rata Reduction of Loan upon Acceleration of Benefits.	§4.1108. Pro Rata Reduction of Loan upon Acceleration of Benefits.
§3.4309. Effect of Acceleration of Benefits on Nonforfeiture Calculations.	§4.1109. Effect of Acceleration of Benefits on Nonforfeiture Calculations.
§3.4310. Calculation of Reserves.	§4.1110. Calculation of Reserves.
§3.4311. Unfair, Discriminatory or Deceptive Practices Prohibited.	§4.1111. Unfair, Discriminatory or Deceptive Practices Prohibited.
§3.4312. Notice and Disclosure Requirements for Life Insurance Contracts Containing Acceleration-of-life-insurance Benefits.	§4.1112. Notice and Disclosure Requirements for Life Insurance Contracts Containing Acceleration-of-life-insurance Benefits.
§3.4313. Notice and Disclosure Requirements for Marketing Materials.	§4.1113. Notice and Disclosure Requirements for Marketing Materials.
§3.4314. Requirements for Acceleration-of-life-insurance Benefits That Fund Long-Term Care Expenses.	§4.1114. Requirements for Acceleration-of-life-insurance Benefits That Fund Long-Term Care Expenses.
§3.4315. Requirements for Benefits Represented To Be Qualified for Favorable Federal Tax Treatment.	§4.1115. Requirements for Benefits Represented To Be Qualified for Favorable Federal Tax Treatment.

§3.4316. Disclosures Related to Tax Qualification of Benefits and Benefits' Effect on Public Assistance.	§4.1116. Disclosures Related to Tax Qualification of Benefits and Benefits' Effect on Public Assistance.
§3.4317. Effective Date.	§4.1117. Effective Date.
Subchapter II. Insurance Sold in Connection with Prepaid Funeral Contracts	Subchapter L. Insurance Sold in Connection with Prepaid Funeral Contracts
§3.9001. Introduction to Joint Memorandum of Understanding.	§4.1201. Introduction to Joint Memorandum of Understanding.
§3.9002. Joint Memorandum of Understanding.	§4.1202. Joint Memorandum of Understanding.
Subchapter I. Variable Life Insurance	Subchapter O. Variable Life Insurance
§3.801. Purpose and Scope.	§4.1501. Purpose and Scope.
§3.802. Definitions.	§4.1502. Definitions.
§3.803. Qualifications of Insurer to Issue Variable Life Insurance.	§4.1503. Qualifications of Insurer to Issue Variable Life Insurance.
§3.804. Insurance Contract and Filing Requirements.	§4.1504. Insurance Contract and Filing Requirements.
§3.805. Reserve Liabilities for Variable Life Insurance.	§4.1505. Reserve Liabilities for Variable Life Insurance.
§3.806. Separate Accounts.	§4.1506. Separate Accounts.
§3.807. Information Furnished to Applicants.	§4.1507. Information Furnished to Applicants.
§3.808. Application.	§4.1508. Application.
§3.809. Reports to Contractholders.	§4.1509. Reports to Contractholders.
§3.810. Separability.	§4.1510. Separability.
§3.811. Savings Clause.	§4.1511. Savings Clause.
Subchapter J. Required Reinstatement Relating to Mental Incapacity of the Insured for Individual Life Policies Without Nonforfeiture Benefits	Subchapter P. Required Reinstatement Relating to Mental Incapacity of the Insured for Individual Life Policies Without Nonforfeiture Benefits
§3.901. Purpose and Scope.	§4.1601. Purpose and Scope.
§3.902. Applicability.	§4.1602. Applicability.
§3.903. Severability.	§4.1603. Severability.
§3.904. Definitions.	§4.1604. Definitions.
§3.905. Eligibility Requirements.	§4.1605. Eligibility Requirements.
§3.906. Payment of Past Due Premiums.	§4.1606. Payment of Past Due Premiums.
§3.907. Coverage Dates Back to Date of Lapse.	§4.1607. Coverage Dates Back to Date of Lapse.
§3.908. Exceptions to Reinstatement.	§4.1608. Exceptions to Reinstatement.
§3.909. Notification and Disclosure Requirements.	§4.1609. Notification and Disclosure Requirements.
§3.910. Reinstatement Procedures.	§4.1610. Reinstatement Procedures.
§3.911. Reduced Benefits.	§4.1611. Reduced Benefits.
§3.912. Form Filing Procedures.	§4.1612. Form Filing Procedures.
§3.913. Notice and Disclosure Form.	§4.1613. Notice and Disclosure Form.
Subchapter N. Nonforfeiture Standards for Individual Life Insurance in Employer Pension Plans	Subchapter Q. Nonforfeiture Standards for Individual Life Insurance in Employer Pension Plans
§3.1301. Purpose.	§4.1701. Purpose.
§3.1302. Definitions.	§4.1702. Definitions.
§3.1303. Standard.	§4.1703. Standard.
§3.1304. Alternate Rule.	§4.1704. Alternate Rule.
§3.1305. Unfair Discrimination.	§4.1705. Unfair Discrimination.
§3.1306. Severability.	§4.1706. Severability.

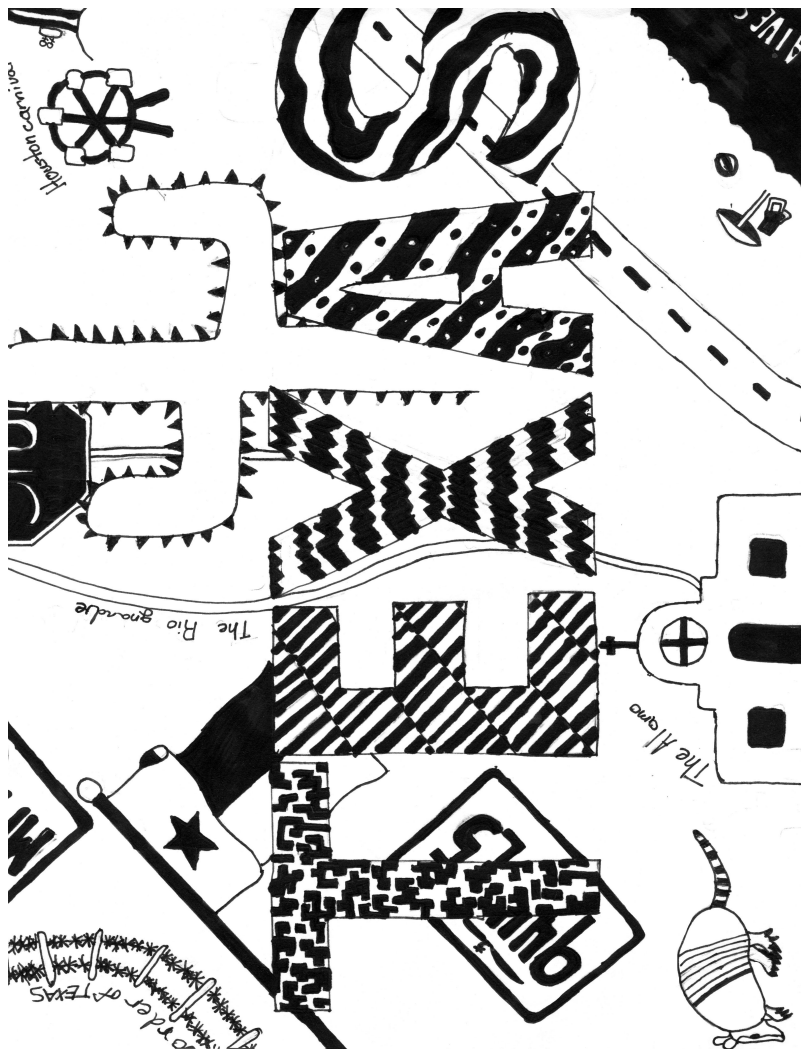
§3.1307. 2001 CSO Mortality Table.	§4.1707. 2001 CSO Mortality Table.
Subchapter H. Variable Annuities	Subchapter U. Variable Annuities
§3.701. Purpose and Scope.	§4.2101. Purpose and Scope.
§3.702. Definitions.	§4.2102. Definitions.
§3.703. Qualifications of Insurer To Issue Variable Annuities.	§4.2103. Qualifications of Insurer To Issue Variable Annuities.
§3.704. Separate Accounts.	§4.2104. Separate Accounts.
§3.705. Contract Requirements.	§4.2105. Contract Requirements.
§3.706. Separability.	§4.2106. Separability.
Subchapter PP. Annuity Disclosures Division 1. Annuity Contract Disclosures	Subchapter W. Annuity Disclosures Division 1. Annuity Contract Disclosures
§3.9701. Purpose.	§4.2301. Purpose.
§3.9702. Applicability and Scope.	§4.2302. Applicability and Scope.
§3.9703. Effective Date.	§4.2303. Effective Date.
§3.9704. Definitions.	§4.2304. Definitions.
§3.9705. Determinable Elements.	§4.2305. Determinable Elements.
§3.9706. Guaranteed and Non-guaranteed Elements.	§4.2306. Guaranteed and Non-guaranteed Elements.
§3.9707. Effect on Other Law.	§4.2307. Effect on Other Law.
§3.9708. Required Consumer Notices.	§4.2308. Required Consumer Notices.
§3.9709. Disclosure Document.	§4.2309. Disclosure Document.
§3.9710. Buyer's Guide.	§4.2310. Buyer's Guide.
§3.9711. Free Look Period.	§4.2311. Free Look Period.
§3.9712. Report to Contract Owners.	§4.2312. Report to Contract Owners.
Subchapter PP. Annuity Disclosures Division 2. Annuity Suitability Disclosures	Subchapter W. Annuity Disclosures Division 2. Annuity Suitability Disclosures
§3.9721. Purpose.	§4.2321. Purpose.
§3.9722. Required Forms.	§4.2322. Required Forms.
Subchapter P. Annuity Mortality Tables	Subchapter AA. Mortality Tables Division 1. Annuity Mortality Tables
§3.1501. Purpose.	§4.2701. Purpose.
§3.1502. Definitions.	§4.2702. Definitions.
§3.1503. Individual Annuity or Pure Endowment Contracts.	§4.2703. Individual Annuity or Pure Endowment Contracts.
§3.1504. Group Annuity or Pure Endowment Contracts.	§4.2704. Group Annuity or Pure Endowment Contracts.
§3.1505. Application of the 1994 GAR Table.	§4.2705. Application of the 1994 GAR Table.
§3.1506. Application of the 2012 IAR Mortality Table.	§4.2706. Application of the 2012 IAR Mortality Table.
Subchapter O. Smoker-Nonsmoker Composite Mortality Tables	Subchapter AA. Mortality Tables Division 2. Smoker-Nonsmoker Composite Mortality Tables
§3.1401. Purpose.	§4.2711. Purpose.
§3.1402. Definitions.	§4.2712. Definitions.
§3.1403. Alternate Tables.	§4.2713. Alternate Tables.
§3.1404. Conditions.	§4.2714. Conditions.
§3.1405. Severability.	§4.2715. Severability.
§3.1406. 2001 CSO Mortality Table.	§4.2716. 2001 CSO Mortality Table.
Subchapter JJ. 2001 CSO Mortality Table	Subchapter AA. Mortality Tables Division 3. 2001 CSO Mortality Table

§3.9101. Purpose.	§4.2721. Purpose.
§3.9102. Definitions.	§4.2722. Definitions.
§3.9103. 2001 CSO Mortality Table.	§4.2723. 2001 CSO Mortality Table.
§3.9104. Conditions.	§4.2724. Conditions.
§3.9105. Applicability of the 2001 CSO Mortality Table to Chapter 3, Subchapter EE of this Title.	§4.2725. Applicability of the 2001 CSO Mortality Table to Chapter 3, Subchapter EE of this Title.
§3.9106. Gender-Blended Tables.	§4.2726. Gender-Blended Tables.
Subchapter MM. Preferred Mortality Tables	Subchapter AA. Mortality Tables Division 4. Preferred Mortality Tables
§3.9401. Purpose.	§4.2731. Purpose.
§3.9402. Definitions.	§4.2732. Definitions.
§3.9403. 2001 CSO Preferred Class Structure Table.	§4.2733. 2001 CSO Preferred Class Structure Table.
§3.9404. Conditions.	§4.2734. Conditions.
Subchapter Q. Actuarial Opinion and Memorandum Regulation	Subchapter BB. Life and Annuity Reserves Division 1. Actuarial Opinion and Memorandum Regulation
§3.1601. Purpose.	§4.2801. Purpose.
§3.1602. Scope and Applicability.	§4.2802. Scope and Applicability.
§3.1603. Commissioner Discretion.	§4.2803. Commissioner Discretion.
§3.1604. Definitions.	§4.2804. Definitions.
§3.1605. General Requirements.	§4.2805. General Requirements.
§3.1606. Statement of Actuarial Opinion Based on an Asset Adequacy Analysis.	§4.2806. Statement of Actuarial Opinion Based on an Asset Adequacy Analysis.
§3.1607. Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary.	§4.2807. Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary.
§3.1608. Asset Adequacy Analysis Exemption.	§4.2808. Asset Adequacy Analysis Exemption.
Subchapter L. Strengthened Reserves Pursuant to Insurance Code §425.067	Subchapter BB. Life and Annuity Reserves Division 2. Strengthened Reserves Pursuant to Insurance Code §425.067
§3.1101. Strengthened Reserves Pursuant to Insurance Code §425.067.	§4.2811. Strengthened Reserves Pursuant to Insurance Code §425.067.
Subchapter EE. Valuation of Life Insurance Policies	Subchapter BB. Life and Annuity Reserves Division 3. Valuation of Life Insurance Policies
§3.4501. Purpose.	§4.2821. Purpose.
§3.4502. Adoption of Tables of Select Mortality Factors.	§4.2822. Adoption of Tables of Select Mortality Factors.
§3.4503. Applicability.	§4.2823. Applicability.
§3.4504. Definitions.	§4.2824. Definitions.
§3.4505. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.	§4.2825. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.
§3.4506. Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other than Universal Life Policies).	§4.2826. Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other than Universal Life Policies).
§3.4507. Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a	§4.2827. Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a

Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period.	Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period.
§3.4508. Effective Date.	§4.2828. Effective Date.
§3.4509. 2001 CSO Mortality Table.	§4.2829. 2001 CSO Mortality Table.
Subchapter OO. Preneed Life Insurance Minimum Mortality Standards for Determining Reserve Liabilities and Nonforfeiture Values	Subchapter BB. Life and Annuity Reserves Division 4. Preneed Life Insurance Minimum Mortality Standards for Determining Reserve Liabilities and Nonforfeiture Values
§3.9601. Purpose and Applicability.	§4.2831. Purpose and Applicability.
§3.9602. Definitions.	§4.2832. Definitions.
§3.9603. Minimum Valuation Mortality Standards.	§4.2833. Minimum Valuation Mortality Standards.
§3.9604. Minimum Valuation Interest Rate Standards.	§4.2834. Minimum Valuation Interest Rate Standards.
§3.9605. Minimum Valuation Method Standards.	§4.2835. Minimum Valuation Method Standards.
§3.9606. Transitional Use of the 2001 CSO Mortality Table.	§4.2836. Transitional Use of the 2001 CSO Mortality Table.

TRD-202302570





REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 112, Control of Air Pollution from Sulfur Compounds.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re-adoption, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 112 continue to exist.

Comments regarding suggested changes to the rules in Chapter 112 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission; however, the comments must be resubmitted during the open comment period for that future rulemaking.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 112. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-082-112-AI. Comments must be received by August 28, 2023. For further information, please contact Jamie Zech, Air Quality Division, at (512) 239-3935.

TRD-202302588

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 216, Water Quality Performance Standards for Urban Development.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re-adoption, re-adoption with

amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 216 continue to exist.

Comments regarding suggested changes to the rules in Chapter 216 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 216. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-083-216-OW. Comments must be received by August 28, 2023. For further information, please contact Jill Csekitz, Water Quality Planning Division, at (512) 239-3136.

TRD-202302589

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 293, Water Districts.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re-adoption, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 293 continue to exist.

Comments regarding suggested changes to the rules in Chapter 293 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 293. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087,

or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-084-293-OW. Comments must be received by August 28, 2023. For further information, please contact Avery Nguyen, Water Supply Division, at (512) 239-0324.

TRD-202302590

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code (30 TAC) Chapter 303, Operation of the Rio Grande.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in 30 TAC Chapter 303 continue to exist.

Comments regarding suggested changes to the rules in 30 TAC Chapter 303 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in 30 TAC Chapter 303. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-085-303-OW. Comments must be received by August 28, 2023. For further information, please contact Jade Rutledge, Water Availability Division, at (512) 239-4559.

TRD-202302591

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intent to Review 30 Texas Administrative Code Chapter 344, Landscape Irrigation.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 344 continue to exist.

Comments regarding suggested changes to the rules in Chapter 344 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 344. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-081-344-CE. Comments must be received by August 28, 2023. For further information, please contact Zachary King, Program Support and Environmental Assistance Division, at (512) 239-1931.

TRD-202302587

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 70, Technology-Based Instruction, Subchapter AA, Commissioner's Rules Concerning the Texas Virtual School Network, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 70, Subchapter AA, in the March 12, 2021 issue of the *Texas Register* (46 TexReg 1663).

Relating to the review of Chapter 70, Subchapter AA, TEA finds that the reasons for adopting Subchapter AA continue to exist and readopts the rules. TEA received comments related to the review of Subchapter AA. Following is a summary of the comments received and the agency responses.

Comment: One administrator stated that it is important that the rules in 19 TAC Chapter 70, Subchapter AA, regarding technology-based or remote instruction be adjusted to meet the current needs of Texas students.

Response: The agency disagrees that revisions are necessary and has determined that the rules align with existing statute related to virtual instruction.

Comment: One administrator stated that it would serve students and families well if districts with a robust virtual learning program would be able to continue to offer this option to students who are successful in the remote environment. The commenter stated that the rules should allow for new full-time providers to be added to the Texas Virtual Schools Network (TXVSN) in addition to the current full-time providers.

Response: The agency offers the following clarification. At the direction of the governor, the commissioner of education will consider and approve waiver applications to allow certain districts to continue remote learning programs pending passage of legislation authorizing long-term remote learning options. The agency disagrees that amendments to this rule are necessary at this time.

Comment: One administrator stated that districts that have developed successful programs that engage learners should be allowed to offer remote learning to students in programs serving prekindergarten-Grade 12 instead of just Grades 3-12.

Response: The agency provides the following clarification. TEC, §30A.104(a)(2), establishes that a course offered for the TXVSN must

be aligned with the Texas Essential Knowledge and Skills for a grade level at or above Grade 3.

At a later date, TEA may propose changes to the rules in Chapter 70 to align with legislation from the 88th Texas Legislature, Regular Session, 2023.

This concludes the review of Chapter 70.

TRD-202302511
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 13, 2023



Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 76, Extracurricular Activities, Subchapter AA, Commissioner's Rules, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 76, Subchapter AA, in the September 9, 2022 issue of the *Texas Register* (47 Tex Reg 5504).

Relating to the review of Chapter 76, Subchapter AA, TEA finds that the reasons for adopting §76.1001 continue to exist and readopts the rule. TEA finds that the reasons for adopting §76.1003 do not continue to exist.

In the future, TEA anticipates repealing §76.1003, Extracurricular Athletic Activity Safety Training Requirements, as the statutory authority for this rule was moved to the control of the University Interscholastic League by Senate Bill 1376, 86th Texas Legislature, Regular Session, 2019.

TEA received a comment related to the review of Subchapter AA, §76.1001. Following is a summary of the comment received and the agency response.

Comment. One administrator expressed support for §76.1001 and emphasized support for subsection (a)(3), relating to the University Interscholastic League sight reading competitions, to continue to be a part of the rule.

Response. The agency agrees that §76.1001 is necessary and appropriate in accordance with Texas Education Code, §7.055(b)(41).

No changes are necessary to §76.1001 as a result of the review.

This concludes the review of Chapter 76.

TRD-202302509
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 12, 2023



Texas Juvenile Justice Department

Title 37, Part 11

The Texas Juvenile Justice Department (TJJD) has completed its review of Title 37, Texas Administrative Code, Chapter 385, Agency Management and Operations, in accordance with §2001.039, Government Code. TJJD published its Notice of Intent to Review these rules in the April 7, 2023, issue of the *Texas Register* (48 TexReg 1858). TJJD received no public comments on the proposed rule review.

As a result of the review, TJJD finds the reasons for adopting the following rules continue to exist and readopts them: §385.1111, Negotiation and Mediation of Contract Disputes; §385.8135, Rights of Victims; §385.8145, Volunteers and Community Resources Council; §385.8165, Site Selection for Juvenile Facility Construction; §385.8170, Acceptance of Gifts of \$500 or More; §385.9941, Response to Ombudsman Reports; §385.9951, Death of a Youth; §385.9969, Collection of Delinquent Obligations; §385.9971, Student Benefit Fund; §385.9975, State Inscription; §385.9981, Sick Leave Pool and Family Leave Pool Administration; and §385.9990, Vehicle Fleet Management.

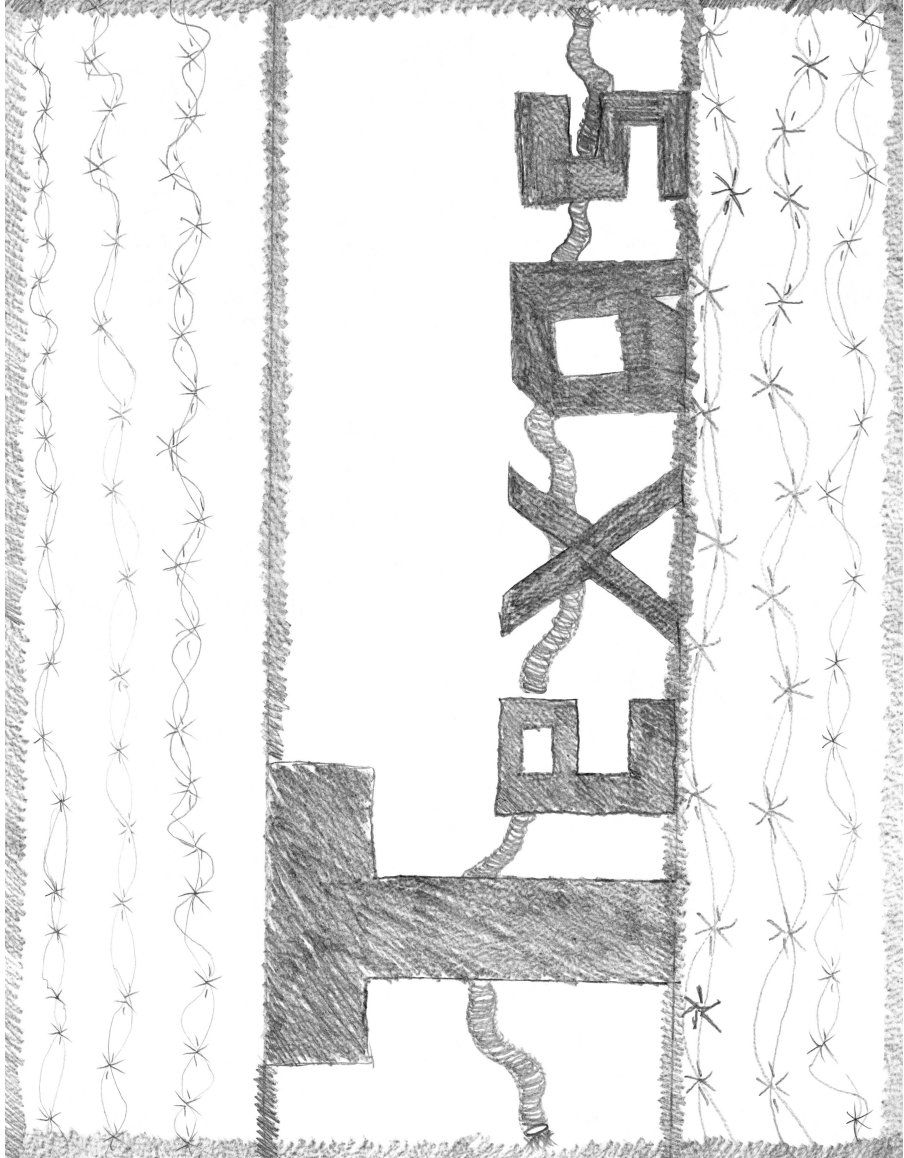
In addition, TJJD finds the reasons for adopting the following rules continue to exist but with amendments needed: §385.1101, Contract Authority and Responsibilities; §385.1105, Contract Monitoring; §385.1109, Protests; §385.8107, Petition for Adoption of a Rule; §385.8111, Complaints from the Public; §385.8134, Notice of Youth Confessions of Child Abuse; and §385.8181, Background Checks.

TJJD also finds the reasons for adopting the following rules no longer exist and will repeal them and recodify them in TJJD policies not contained in the Texas Administrative Code: §385.8101, Public Information Requests; §385.8117, Private Real Property Rights Affected by Governmental Action; §385.8136, Notices to Public and Private Schools; §385.8137, Media Access; §385.8141, Confidentiality; §385.8153, Research Projects; §385.8161, Notification of a Facility Opening or Relocating; §385.8163, Decentralization; §385.8183, Advocacy, Support Group, and Social Services Provider Access; §385.9959, Transportation of Youth; §385.9967, Court-Ordered Child Support; and §385.9993, Canteen Operations.

Amendments and repeals will be proposed in a future issue of the *Texas Register*. This concludes TJJD's review of Texas Administrative Code, Chapter 385, Agency Management and Operations.

TRD-202302586
Christian von Wupperfeld
General Counsel
Texas Juvenile Justice Department
Filed: July 19, 2023





TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 25 TAC §604.1(a)(1)

**DISCLOSURE AND CONSENT
Medical Care and Surgical Procedures**

TO THE PATIENT: You have the right to be informed about 1) your condition, 2) the recommended medical care or surgical procedure, and 3) the risks related to this care/procedure. This disclosure is designed to provide you this information, so that you can decide whether to consent to receive this care/procedure. Please ask your physician/health care provider any remaining questions you have before signing this form.

Description of Medical Care and Surgical Procedure(s)

I voluntarily request my physician/health care provider [name/credentials]

_____, and other health care providers, to treat my condition which is:

I understand that the following care/procedure(s) are planned for me:

Potential for Additional Necessary Care/Procedure(s)

I understand that during my care/procedure(s) my physician/health care provider may discover other conditions which require additional or different care/procedure(s) than originally planned.

I authorize my physicians/health care providers to use their professional judgment to perform the additional or different care/procedure(s) they believe are needed.

Use of Blood

Please initial "Yes" or "No":

____ Yes ____ No

I consent to the use of blood and blood products as necessary for my health during the care/procedure(s). The risks that may occur with the use of blood and blood products are:

1. Serious infection including but not limited to Hepatitis and HIV which can lead to organ damage and permanent impairment.
2. Transfusion related injury resulting in impairment of lungs, heart, liver, kidneys, and immune system.
3. Severe allergic reaction, potentially fatal.

Risks Related to this Care/Procedure(s)

Just as there may be risks and hazards to my health without treatment, there are also risks and hazards related to the care/procedure(s) planned for me.

I understand that all care/procedure(s) involve some risks, ranging from minor to severe. These risks include infection, blood clots in veins, lungs or other organs, hemorrhage (severe bleeding), allergic reactions, poor wound healing, and death.

The chances of these occurring may be different for each patient based on the care/procedure(s) and the patient's current health.

Risks of this care/procedure(s) include, but are not limited to **[include List A risks here and additional risks if any]**:

Granting of Consent for this Care/Procedure(s)

In signing below, I consent to the care/procedure(s) described above. I acknowledge the following:

- I understand this care/procedure(s) does not guarantee a result or a cure to my condition.
- I have been given an opportunity to ask questions I may have about:
 1. Alternative forms of treatment,
 2. Risks of non-treatment,
 3. Steps that will occur during my care/procedure(s), and
 4. Risks and hazards involved in the care/procedure(s).
- I believe I have enough information to give this informed consent.
- I certify this form has been fully explained to me and the blank spaces have been filled in.
- I have read this form or had it read to me.
- I understand the information on this form.

If any of those statements are not true for you, please talk to your physician/health care provider before continuing.

Patient/Other Legally Authorized Representative (signature required):

_____ Signature

 Print Name

If Legally Authorized Representative, list relationship to Patient:

Date: _____ Time: _____ A.M./P.M.

Witness:

_____ Signature

 Print Name

_____ Address (Street or P.O. Box)

_____ City, State, Zip Code

CONSENTIMIENTO MÉDICO INFORMADO
Atención médica y procedimientos quirúrgicos

AL PACIENTE: Usted tiene derecho a que se le informe sobre: 1) su enfermedad, 2) la atención médica o procedimiento quirúrgico recomendado, y 3) los riesgos relacionados con dicha atención o procedimiento. Le presentamos esta información con el fin de que usted pueda tomar la decisión de dar o no dar su consentimiento para recibir esta atención médica o procedimiento quirúrgico. Le exhortamos a que consulte con su médico o proveedor médico sobre cualquier pregunta que pueda tener antes de firmar este formulario.

Descripción de la atención médica o procedimiento quirúrgico

De manera voluntaria, solicito a mi médico o proveedor médico
[nombre/credenciales]

_____, así como a otros proveedores médicos, que den el
tratamiento necesario a mi enfermedad, a saber:

Quedo enterado de que se tiene previsto aplicarme la siguiente atención médica o
procedimiento quirúrgico:

**Otras atenciones médicas o procedimientos quirúrgicos que podrían ser
necesarios**

Comprendo que, durante las atenciones o procedimientos quirúrgicos que yo reciba,
mi médico o proveedor médico podría descubrir otros problemas que requieran
atenciones o procedimientos adicionales o distintos a los que originalmente se
previeron.

Autorizo a mis médicos o proveedores médicos a usar su criterio profesional para realizar las atenciones o procedimientos adicionales o distintos que consideren necesarios.

El uso de sangre

Por favor, escriba sus iniciales junto a "Sí" o "No":

____ Sí ____ No

Doy mi consentimiento para que se use sangre y hemoderivados, según sea necesario para mi buena salud, durante la atención médica o los procedimientos quirúrgicos. Existe el riesgo de que, con el uso de sangre o hemoderivados, se presente alguna de las siguientes situaciones:

1. Una infección grave, como hepatitis o una ocasionada por el VIH, entre otras, que podría provocar un daño orgánico y un deterioro permanente.
2. Daños relacionados con la transfusión que podrían lesionar los pulmones, el corazón, el hígado, los riñones y el sistema inmunitario.
3. Una reacción alérgica grave, que podría ser mortal.

Riesgos relacionados con esta atención médica o procedimiento quirúrgico

Al igual que puede haber riesgos y peligros para mi salud si no recibo ningún tratamiento, también existen riesgos y peligros relacionados con la atención médica o procedimiento quirúrgico que se tiene previsto realizarme.

Comprendo que toda atención médica o procedimiento quirúrgico supone también ciertos riesgos, que pueden ser de menores a graves. Entre estos riesgos se cuentan: infección; formación de coágulos sanguíneos en las venas, los pulmones u otros órganos; hemorragia (sangrado intenso); reacciones alérgicas; mala cicatrización de las heridas, o la muerte.

Las probabilidades de que algo de lo anterior ocurra varían en cada persona, ya que dependen de la atención médica o procedimiento quirúrgico y del estado de salud del paciente.

Los riesgos de esta atención médica o procedimiento quirúrgico incluyen, entre otros **[Incluya aquí los riesgos de la Lista A y riesgos adicionales si los hay]:**

Nombre en letra de molde

Firma

Si usted es el representante legalmente autorizado, indique cuál es su relación con el paciente:

Fecha: _____ Hora: _____ a.m./p.m.

Testigo:

Nombre en letra de molde

Firma

Dirección (calle o apartado postal)

Ciudad, estado, código postal

Figure: 25 TAC §604.2(1)

DISCLOSURE AND CONSENT FOR RADIATION THERAPY

TO THE PATIENT: You have the right to be informed about 1) your condition, 2) the recommended radiation therapy procedure to be used to treat your condition, and 3) the risks related to the radiation therapy procedure. This disclosure is designated to provide you this information, so that you can decide whether to consent to receive the recommended procedure. Please ask your physician/healthcare provider any remaining questions you have before signing this form.

Description of Radiation Therapy Procedure(s)

I voluntarily request my physician [name/credentials]

_____ and other health care providers to treat my condition which is:

_____.

I understand that the following radiation therapy procedure(s) are planned for me (specify technique and site):

_____.

I understand that my condition may be treated with external beam radiation therapy alone, with internal radiation implant alone or with both or in planned combination with surgery and/or chemotherapy.

I agree to the taking of photographs or placing of tattoo or skin marks on me if necessary for treatment.

Risks Related to Radiation Therapy Procedure(s)

Just as there may be risks and hazards to my health without treatment, there are also risks and hazards related to the procedure(s) planned for me. The chances of these occurring may be different for each patient based on the procedure(s) and the patient's current health.

INITIAL ONE:

I understand that radiation can be harmful to the unborn child.

I am I could be I am not pregnant.

INITIAL IF APPLICABLE:

I HAVE AN IMPLANTED ELECTRONIC DEVICE (such as a pacemaker, defibrillator or nerve stimulator). I understand radiation to the device can cause malfunction of the device.

I understand that the risks from radiation therapy may occur during or shortly after the course of treatment ("early reactions"), or sometime later ("late reactions"). The risks may be temporary or permanent.

These risks may be made worse if you have received chemotherapy or surgery before, during or after radiation therapy or if you had radiation therapy before to the same area. Risks or early and late reactions which could occur as a result of the procedure(s) are listed below. With few exceptions, these reactions affect only the areas of the body actually receiving the radiation therapy.

Risks for this specific part of the body receiving radiation therapy, which are divided into early and late reactions, include, but are not limited to **[include List A risks here and additional risks if any]:**

Granting of Consent for Radiation Therapy Procedure(s)

By signing below, I consent to the radiation therapy procedure(s) described above. I acknowledge the following:

- I understand this procedure(s) does not guarantee a result of a cure to my condition.
- I have been given an opportunity to ask questions I may have about:
 1. Alternative forms of treatment,
 2. Risks of non-treatment,
 3. Steps that will occur during my procedure(s), and
 4. Risks and hazards involved in the procedure(s).
- I believe I have enough information to give this informed consent.
- I certify this form has been fully explained to me and the blank spaces have been filled in.
- I have read this form or had it read to me.
- I understand the information on this form.

If any of those statements are not true for you, please talk to your physician/health care provider before continuing.

Patient/Other Legally Authorized Representative (signature required):

Print Name

Signature

If Legally Authorized Representative, list relationship to Patient:

Date: _____ Time: _____ A.M./P.M.

Witness:

Print Name

Signature

Address (Street or P.O. Box)

City, State, Zip Code

Figure: 25 TAC §604.2(2)

**INFORMACIÓN Y CONSENTIMIENTO
PARA RECIBIR RADIOTERAPIA**

AL PACIENTE: Usted tiene el derecho a ser informado sobre 1) su enfermedad, 2) el procedimiento de radioterapia recomendado para tratar su enfermedad y 3) los riesgos relacionados con el procedimiento de radioterapia. La información que aquí presentamos tiene como fin que usted pueda tomar la decisión de dar o no su consentimiento para recibir esta atención o procedimiento médicos. Antes de firmar este formulario, le recomendamos que consulte con su médico o proveedor

Descripción de los procedimientos de radioterapia

De manera voluntaria, solicito a mi médico o proveedor de atención médica

[nombre/acreditaciones] _____, así como a otros proveedores de atención médica, que den tratamiento a mi enfermedad que es:

_____.

Entiendo que se han planeado para mí los siguientes procedimientos de radioterapia (especifique la técnica y el lugar):

_____.

Entiendo que mi enfermedad puede ser tratada solo con radioterapia externa, solo con implante, de radiación interna o con ambas, o en combinación con una cirugía o quimioterapia.

Estoy de acuerdo con la toma de fotografías o la colocación de tatuajes o marcas en mi piel si es necesario para el tratamiento.

_____.

Riesgos relacionados con el procedimiento de radioterapia

Al igual que puede haber riesgos y peligros para mi salud si no recibo ningún tratamiento, también existen riesgos y peligros relacionados con el tratamiento o procedimiento que se tiene planeado realizarme. Las probabilidades de que algo de lo anterior ocurra varían en cada persona, ya que dependen de la atención médica o procedimiento y del estado de salud actual del paciente.

PONER SUS INICIALES EN UNA OPCIÓN:

Entiendo que la radiación puede ser perjudicial para el bebé en desarrollo.

Estoy Podría estar No estoy embarazada.

INICIALES SI CORRESPONDE:

TENGO UN DISPOSITIVO ELECTRÓNICO IMPLANTADO (como un marcapasos, un desfibrilador o un estimulador neural). Entiendo que la radiación aplicada al dispositivo puede causar un mal funcionamiento del mismo.

Entiendo que los riesgos de la radioterapia pueden ocurrir durante el tratamiento o poco después (reacciones tempranas) o algún tiempo después (reacciones tardías). Los riesgos pueden ser temporales o permanentes.

Estos riesgos pueden empeorar si usted ha recibido quimioterapia o cirugía antes, durante o después de la radioterapia o si ha recibido radioterapia anteriormente en la misma área. A continuación, se enumeran los riesgos o las reacciones tempranas y tardías que podrían producirse como consecuencia del procedimiento o procedimientos. Con pocas excepciones, estas reacciones solo afectan a las áreas del cuerpo que realmente reciben la radioterapia.

Los riesgos para esta parte específica del cuerpo que recibe radioterapia, que se dividen en reacciones tempranas y tardías, incluyen, entre otros [**incluya aquí los riesgos de la Lista A y los riesgos adicionales si los hay**]:

Dar consentimiento para el procedimiento de radioterapia

Mediante mi firma más abajo, doy mi consentimiento para que se me realicen los procedimientos de radioterapia descritos anteriormente. Reconozco lo siguiente:

- Entiendo que estos procedimientos médicos no garantizan la conclusión o la curación de mi enfermedad.
- Se me ha dado la oportunidad de hacer preguntas para aclarar mis posibles dudas sobre:
 1. Tratamientos alternativos
 2. Los riesgos de no recibir ningún tratamiento.
 3. Los pasos que se darán durante los procedimientos médicos o quirúrgicos a los que me someta, y
 4. Los riesgos y peligros que conllevan los procedimientos médicos o quirúrgicos.
- Considero que he recibido suficiente información para dar este consentimiento informado.
- Certifico que se me ha explicado completamente el contenido de este formulario y que sus espacios en blanco han sido llenados.
- He leído este formulario o alguien me lo ha leído.
- Entiendo la información contenida en este formulario.

Si alguna de las declaraciones anteriores no es aplicable a usted, comuníquese con su médico o proveedor de atención médica antes de continuar.

El paciente / Otro representante legalmente autorizado (es obligatoria la firma):

Nombre en letra de molde

Firma

Si usted es el representante legalmente autorizado, indique cuál es su relación con el paciente:

Fecha: _____ Hora: _____ a.m./p.m.

Testigo:

Nombre en letra de molde

Firma

Dirección (calle o apartado postal)

Ciudad, estado, código postal

Figure: 25 TAC §604.4(1)

**DISCLOSURE AND CONSENT FOR
HYSTERECTOMY**

TO THE PATIENT: You have the right to be informed about 1) your condition, 2) the recommended medical care or surgical procedure, and 3) the risks related to this care/procedure. This disclosure is designed to provide you this information, so that you can decide whether to consent to receive this care/procedure. Please ask your physician/health care provider any remaining questions you have before signing this form.

Notice: Refusal to consent to a hysterectomy will not result in the withdrawal or withholding of any benefits provided by programs or projects receiving federal funds or otherwise affect your right to future care or treatment.

Notice: You have the right to seek consultation from a second physician before deciding whether or not to consent.

Description of Medical Care and Surgical Procedure(s)

I voluntarily request my physician/health care provider [name/credentials]

_____, and other health care providers, to treat my condition which is:

I understand that the following care/procedure(s) are planned for me:

I understand that a hysterectomy is a removal of the uterus through an incision in the lower abdomen (abdominal hysterectomy) or vagina (vaginal hysterectomy). I understand that the hysterectomy is permanent and not reversible. I understand that I will not be able to become pregnant or bear children.

Potential for Additional Necessary Care/Procedure(s)

I understand that additional surgery may be necessary to remove or repair other organs besides the uterus, including an ovary, tube, appendix, bladder, rectum, or vagina.

I understand during my care/procedure(s) my physician/health care provider may discover other conditions which require additional or different care/procedure(s) than originally planned.

I authorize my physicians/health care providers to use their professional judgment to perform the additional or different care/procedure(s) they believe are needed.

Use of Blood

Please initial "Yes" or "No":

___ Yes ___ No I consent to the use of blood and blood products as necessary for my health during the care/procedure(s). The risks that may occur with the use of blood and blood products are:

1. Serious infection including but not limited to Hepatitis and HIV which can lead to organ damage and permanent impairment.
2. Transfusion related injury resulting in impairment of lungs, heart, liver, kidneys, and immune system.
3. Severe allergic reaction, potentially fatal.

Risks Related to this Care/Procedure(s)

Just as there may be risks and hazards to my health without treatment, there are also risks and hazards related to the care/procedure(s) planned for me.

I understand that all care/procedure(s) involve some risks, ranging from minor to severe. These risks include infection, blood clots in veins, lungs or other organs, hemorrhage (severe bleeding), allergic reactions, poor wound healing, and death.

The chances of these occurring may be different for each patient based on the care/procedure(s) and the patient's current health.

Risks of this care/procedure(s) include, but are not limited to:

- Abdominal or Vaginal Hysterectomy:**
1. Uncontrollable leakage of urine.
 2. Injury to bladder.
 3. Injury to the tube (ureter) between the kidney and the bladder.
 4. Injury to the bowel and/or intestinal obstruction.
 5. Need to convert to abdominal incision.

- For laparoscopically assisted hysterectomy, the additional risks include:**
1. Damage during introduction of trocar to adjacent intra-abdominal structures and organs (e.g., bowel, bladder, blood vessels, or nerves) and potential need for additional surgery.
 2. Trocar site complications (e.g., hematoma, bleeding, leakage of fluid, or hernia formation).
 3. Air embolus (bubble causing heart failure or stroke).
 4. Change during the procedure to an open procedure.
 5. If cancer is present, may increase the risk of the spread of cancer.

ADDITIONAL RISKS OR COMMENTS (line through if none):

Granting of Consent for this Care/Procedure(s)

In signing below, I consent to the care/procedure(s) described above. I acknowledge the following:

- I understand this care/procedure(s) does not guarantee a result or a cure to my condition.
- I have been given an opportunity to ask questions I may have about:
 1. Alternative forms of treatment,
 2. Risks of non-treatment,
 3. Steps that will occur during my care/procedure(s), and
 4. Risks and hazards involved in the care/procedure(s).
- I believe I have enough information to give this informed consent.
- I certify this form has been fully explained to me and the blank spaces have been filled in.
- I have read this form or had it read to me.
- I understand the information on this form.

If any of those statements are not true for you, please talk to your physician/health care provider before continuing.

Name of Person Providing and Explaining Consent Form:

Patient/Other Legally Authorized Representative (signature required):

Print Name

Signature

If Legally Authorized Representative, list relationship to Patient:

Date: _____ Time: _____ A.M./P.M.

Witness:

Print Name

Signature

Address (Street or P.O. Box)

City, State, Zip Code

**DIVULGACIÓN DE INFORMACIÓN Y OTORGAMIENTO DE
CONSENTIMIENTO PARA UNA HISTERECTOMÍA**

A LA PACIENTE: Usted tiene derecho a que se le informe sobre: 1) su enfermedad, 2) la atención médica o procedimiento quirúrgico recomendados, y 3) los riesgos relacionados con dicha atención o procedimiento. La información que aquí presentamos tiene como fin que usted pueda tomar la decisión de dar o no su consentimiento para recibir esta atención o procedimiento médicos. Antes de firmar este formulario, le recomendamos que consulte con su médico o proveedor médico sobre cualquier otra pregunta que pudiera tener.

Aviso: La negativa a dar su consentimiento para someterse a una histerectomía no tendrá como resultado el retiro o la retención de ningún beneficio proporcionado por programas o proyectos que reciban fondos federales, ni afectará el derecho de usted a recibir atención o tratamiento médicos en el futuro.

Aviso: Usted tiene derecho a consultar a otro médico en busca de una segunda opinión antes de decidir si da o no su consentimiento.

Descripción de la atención médica y los procedimientos quirúrgicos

De manera voluntaria, solicito a mi médico o proveedor médico

[nombre/credenciales] _____, así como a otros
proveedores médicos, que den tratamiento a mi enfermedad, que es:

Entiendo que se tiene previsto aplicarme la siguiente atención médica o
procedimientos quirúrgicos:

Entiendo que una histerectomía consiste en la extirpación del útero mediante una incisión en la parte inferior del abdomen (histerectomía abdominal) o a través de la vagina (histerectomía vaginal).

Entiendo que una histerectomía es de carácter permanente e irreversible. Entiendo que después de la histerectomía ya no podré quedar embarazada ni procrear.

Otra atención médica o procedimientos quirúrgicos que podrían ser necesarios

Entiendo que podría ser necesaria una intervención quirúrgica adicional para extirpar o reparar anomalías en otros órganos aparte del útero, como: los ovarios, las trompas, el apéndice, la vejiga, el recto o la vagina.

Entiendo que durante la atención médica o procedimientos quirúrgicos que yo reciba, mi médico o proveedor médico podría descubrir otros problemas que requieran atención o procedimientos adicionales o distintos a los que originalmente se planearon.

Autorizo a mis médicos o proveedores médicos a usar su criterio profesional para llevar a cabo la atención o procedimientos adicionales o distintos que consideren necesarios.

El uso de sangre

Por favor, escriba sus iniciales junto a "Sí" o "No":

___ Sí ___ No Doy mi consentimiento para que se use sangre y derivados de la sangre, según sea necesario para mi salud durante la atención médica o procedimientos quirúrgicos que se me realicen. Los riesgos que pueden ocurrir con el uso de sangre y derivados de la sangre son:

1. Infección grave, como hepatitis o una ocasionada por el VIH, entre otras, que podría provocar daño orgánico y un deterioro permanente.
2. Daños relacionados con la transfusión que podrían lesionar los pulmones, el corazón, el hígado, los riñones y el sistema inmunitario.
3. Una reacción alérgica grave que podría ser mortal.

Riesgos relacionados con esta atención médica o procedimiento quirúrgico

Al igual que puede haber riesgos y peligros para mi salud si no recibo ningún tratamiento, también existen riesgos y peligros relacionados con el tratamiento o procedimiento que se tiene previsto realizarme.

Entiendo que toda atención médica o procedimiento quirúrgico supone también ciertos riesgos, que pueden ser de menores a graves. Estos riesgos son: infección; coágulos de sangre en las venas, los pulmones u otros órganos; hemorragia (sangrado grave); reacciones alérgicas; mala cicatrización de las heridas, o la muerte.

Las probabilidades de que algo de lo anterior ocurra varían en cada persona, ya que dependen de la atención médica o procedimiento quirúrgico y del estado de salud actual de la paciente.

Los riesgos de estos procedimientos médicos o quirúrgicos son, entre otros:

Histerectomía abdominal o vaginal:

1. Derrame incontrolable de la orina.
2. Lesión de la vejiga.
3. Lesión del conducto (uréter) que conecta los riñones con la vejiga.
4. Lesión del intestino u obstrucción intestinal.
5. Necesidad de cambiar durante el procedimiento a una incisión abdominal.

En el caso de una histerectomía asistida por laparoscopia, los riesgos adicionales incluyen:

1. Daño durante la introducción del trocar en las estructuras y órganos intraabdominales adyacentes (por ej., intestino, vejiga, vasos sanguíneos o nervios) y posible necesidad de cirugía adicional.
2. Complicaciones en el lugar del trocar (por ej., hematoma, hemorragia, fuga de líquido o formación de una hernia).
3. Émbolo gaseoso (una burbuja de aire que causa insuficiencia cardíaca o accidente cerebrovascular).
4. El cambio durante el procedimiento a una operación de cirugía abierta.
5. Si hay cáncer, podría aumentar el riesgo de propagación del cáncer.

RIESGOS O COMENTARIOS ADICIONALES (si no hay ninguno, favor de tachar las líneas con una raya):

Otorgamiento del consentimiento para someterse a este procedimiento médico o quirúrgico

Mediante mi firma más abajo, doy mi consentimiento para que se me realicen los procedimientos médicos o quirúrgicos descritos anteriormente. Reconozco lo siguiente:

- Entiendo que estos procedimientos médicos o quirúrgicos no garantizan la conclusión o la curación de mi enfermedad.
- Se me ha dado la oportunidad de hacer preguntas para aclarar mis posibles dudas sobre:
 1. Tratamientos alternativos,
 2. Los riesgos de no recibir ningún tratamiento,

3. Los pasos que se sucederán durante los procedimientos médicos o quirúrgicos a los que me someta, y
 4. Los riesgos y peligros que conllevan los procedimientos médicos o quirúrgicos.
- Considero que he recibido suficiente información para dar este consentimiento informado.
 - Certifico que se me ha explicado completamente el contenido de este formulario y que sus espacios en blanco han sido llenados.
 - He leído este formulario o alguien me lo ha leído.
 - Entiendo la información contenida en este formulario.

Si alguna de las declaraciones anteriores no es aplicable a usted, comuníquese con su médico o proveedor médico antes de continuar.

Nombre de la persona que le proporcionó y explicó el formulario de consentimiento:

El paciente / Otro representante legalmente autorizado (es obligatoria la firma):

Nombre en letra de molde

Firma

Si usted es el representante legalmente autorizado, indique cuál es su relación con el paciente:

Fecha: _____ Hora: _____ a.m./p.m.

Testigo:

Nombre en letra de molde

Firma

Dirección (calle o apartado postal)

Ciudad, estado, código postal

Figure: 25 TAC §604.5(1)

**DISCLOSURE AND CONSENT
ANESTHESIA and/or PERIOPERATIVE
PAIN MANAGEMENT (ANALGESIA)**

TO THE PATIENT: You have the right, as a patient, to be informed about 1) the recommended anesthesia/analgesia to be used and 2) the risks related to anesthesia/analgesia. This disclosure is designed to provide you this information, so that you can decide whether to consent to receive anesthesia/analgesia in the perioperative period (meaning shortly before, during and shortly after a procedure). Please ask your physician/health care provider any remaining questions you might have before signing this form.

Administration of Anesthesia/Analgesia

The plan is for the anesthesia/analgesia to be administered by (note that the provider listed may change depending on the length of the procedure or other circumstances):

Check the planned approach and have the patient/legally authorized representative initial:

(Check one)

Physician Anesthesiologist Dr. _____ [Name]
 Dentist Anesthesiologist Dr. _____ [Name]
 Non-Anesthesiologist Physician or Dentist Dr. _____ [Name]

(Check all that apply if the administration of anesthesia/analgesia is being delegated/supervised by the above provider)

Certified Anesthesiologist Assistant _____ [Name]
 Certified Registered Nurse Anesthetist _____ [Name]
 Physician in Training _____ [Name]

The above provider(s) can explain the different roles of the providers and their levels of involvement in administering the anesthesia/analgesia.

Types of Anesthesia/Analgesia Planned and Related Topics

I understand that anesthesia/analgesia involves additional risks and hazards. The chances of these occurring may be different for each patient based on the procedure(s) and the patient's current health. I realize the type of anesthesia/analgesia may have to be changed possibly without explanation to me.

I understand that serious, but rare, complications can occur with all anesthetic/analgesic methods. Some of these risks are breathing and heart problems, drug reactions, nerve damage, cardiac arrest (heart stops beating), brain damage, paralysis (inability to move), or death.

I also understand that other risks or complications may occur depending on the type of anesthesia/analgesia. The type of anesthesia/analgesia planned for me and the related risks for that type of anesthesia/analgesia include but are not limited to:

Check planned anesthesia/analgesia method(s) and have the patient/legally authorized representative initial.

_____GENERAL ANESTHESIA – injury to vocal cords, teeth, lips, eyes; awareness during the procedure; memory dysfunction/memory loss; permanent organ damage; brain damage.

_____REGIONAL BLOCK ANESTHESIA/ANALGESIA - nerve damage; persistent pain; bleeding/hematoma; infection; medical necessity to convert to general anesthesia; brain damage.

Location: _____.

_____SPINAL ANESTHESIA/ANALGESIA - nerve damage; persistent back pain; headache; infection; bleeding/epidural hematoma; chronic pain; medical necessity to convert to general anesthesia; brain damage.

_____EPIDURAL ANESTHESIA/ANALGESIA - nerve damage; persistent back pain; headache; infection; bleeding/epidural hematoma; chronic pain; medical necessity to convert to general anesthesia; brain damage.

_____DEEP SEDATION – memory dysfunction/memory loss; medical necessity to convert to general anesthesia; permanent organ damage; brain damage.

_____MODERATE SEDATION – memory dysfunction/memory loss; medical necessity to convert to general anesthesia; permanent organ damage; brain damage.

Additional comments/risks:

Check if applicable and have the patient/legally authorized representative initial.

_____PRENATAL/EARLY CHILDHOOD ANESTHESIA - potential long-term negative effects on memory, behavior, and learning with prolonged or repeated exposure to general anesthesia/moderate sedation/deep sedation during pregnancy and in early childhood.

Granting of Consent for Anesthesia/Analgesia

In signing below, I consent to the anesthesia/analgesia described above. I acknowledge the following:

- I have been given an opportunity to ask questions I may have about:
 1. Alternative forms of anesthesia/analgesia,

2. Steps that will occur during administration of anesthesia/analgesia, and

3. Risks and hazards involved in the anesthesia/analgesia.

- I believe I have enough information to give this informed consent.
- I certify this form has been fully explained to me and the blank spaces have been filled in.
- I have read the form or had it read to me.
- I understand the information on this form.

If any of those statements are not true for you, please talk to your physician/health care provider before continuing.

Patient/Other Legally Authorized Representative (signature required):

Print Name

Signature

If Legally Authorized Representative, list relationship to Patient:

Date: _____ Time: _____ A.M./P.M.

Witness:

Print Name

Signature

Address (Street or P.O. Box)

City, State, Zip Code

**INFORMACIÓN Y CONSENTIMIENTO:
ANESTESIA O MANEJO DEL DOLOR
PERIOPERATORIO (ANALGESIA)**

AL PACIENTE: Usted tiene derecho, como paciente, a ser informado sobre 1) la anestesia o analgesia recomendada que se utilizará y 2) los riesgos relacionados con ambas. Esta información fue diseñada para que usted pueda decidir si da su consentimiento para recibir anestesia o analgesia en el periodo perioperatorio (es decir, poco antes, durante y poco después de un procedimiento). Antes de firmar este formulario, le recomendamos que consulte con su médico o proveedor de atención médica sobre cualquier otra pregunta que pudiera tener.

Administración de la anestesia o analgesia

_____ El plan es que la anestesia o analgesia sea administrada por (tenga en cuenta que el proveedor indicado puede cambiar en función de la duración del procedimiento u otras circunstancias):

Marque el enfoque planeado y haga que el paciente o representante autorizado ponga sus iniciales:

(Marque una opción)

- _____ Médico anestesista Dr. _____ [Nombre]
- _____ Dentista anestesista Dr. _____ [Nombre]
- _____ Médico no anestesista o dentista Dr. _____ [Nombre]

(Marque todas las opciones que correspondan, si es el caso)

- _____ Asistente anestesista certificado _____ [Nombre]
- _____ Enfermero anestesista certificado _____ [Nombre]
- _____ Médico residente _____ [Nombre]

Los proveedores mencionados pueden explicarle las diferentes funciones de los proveedores y sus niveles de participación en la administración de la anestesia o analgesia.

Tipos de anestesia o analgesia planeados y temas relacionados

Entiendo que la anestesia o analgesia implican riesgos y peligros adicionales. Las probabilidades de que algo de lo anterior ocurra varían en cada persona, ya que dependen de la atención médica o procedimiento y del estado de salud actual del paciente. Comprendo que el tipo de anestesia o analgesia podría tener que cambiarse, posiblemente sin darme una explicación.

Entiendo que pueden ocurrir complicaciones graves, pero raras, con todos los métodos anestésicos o analgésicos. Algunos de estos riesgos son problemas de respiración y del corazón, reacciones a la medicina, daño nervioso, paro cardiaco,

daño cerebral, parálisis o la muerte.

También entiendo que pueden ocurrir otros riesgos o complicaciones dependiendo del tipo de anestesia o analgesia. El tipo de anestesia o analgesia planeado para mí y los riesgos relacionados con cualquiera de ellos incluyen, entre otros, los siguientes:

Marque los métodos de anestesia o analgesia planeados y haga que el paciente/persona legalmente responsable ponga sus iniciales.

_____ANESTESIA GENERAL (lesión a las cuerdas vocales, los dientes, los labios, los ojos); estar consciente durante el procedimiento; disfunción de la memoria o pérdida de la memoria; daño permanente a órganos; daño cerebral.

_____ANESTESIA O ANALGESIA DE BLOQUEO REGIONAL (daño nervioso); dolor persistente; sangrado o hematoma; infección; necesidad médica de usar anestesia general; daño cerebral.

Lugar:_____.

_____ANESTESIA O ANALGESIA ESPINAL (daño nervioso); dolor de espalda persistente; dolor de cabeza; infección; sangrado o hematoma epidural; dolor crónico; necesidad médica de usar anestesia general; daño cerebral.

_____ANESTESIA O ANALGESIA EPIDURAL (daño nervioso); dolor de espalda persistente; dolor de cabeza; infección; sangrado o hematoma epidural; dolor crónico; necesidad médica de usar anestesia general; daño cerebral.

_____SEDACIÓN PROFUNDA (disfunción de la memoria o pérdida de la memoria); necesidad médica de usar anestesia general; daño permanente a órganos; daño cerebral.

_____SEDACIÓN MODERADA (disfunción de la memoria o pérdida de la memoria); necesidad médica de usar anestesia general; daño permanente a órganos; daño cerebral.

Comentarios o riesgos adicionales:

Marque si corresponde y haga que el paciente o el representante legal ponga sus iniciales:

_____ANESTESIA PRENATAL O DE LA INFANCIA TEMPRANA: posibles efectos negativos a largo plazo sobre la memoria, el comportamiento y el aprendizaje con la exposición prolongada o repetida a la anestesia general o sedación moderada o sedación profunda durante el embarazo y la infancia temprana.

Dar consentimiento para la anestesia o analgesia

Mediante mi firma más abajo, doy mi consentimiento para que se me realicen los procedimientos descritos anteriormente. Reconozco lo siguiente:

- Se me ha dado la oportunidad de hacer preguntas para aclarar mis posibles dudas sobre:
 1. Formas alternativas de anestesia o analgesia.
 2. Los pasos que se darán durante la administración de la anestesia o analgesia, y
 3. Los riesgos y peligros que conlleva la anestesia o analgesia.
- Considero que he recibido suficiente información para dar este consentimiento informado.
- Certifico que se me ha explicado completamente el contenido de este formulario y que los espacios en blanco han sido llenados.
- He leído este formulario o alguien me lo ha leído.
- Entiendo la información contenida en este formulario.

Si alguna de las declaraciones anteriores no es aplicable a usted, comuníquese con su médico o proveedor de atención médica antes de continuar.

El paciente / Otro representante legalmente autorizado (es obligatoria la firma):

Nombre en letra de molde

Firma

Si usted es el representante legalmente autorizado, indique cuál es su relación con el paciente:

Fecha: _____ Hora: _____ a.m./p.m.

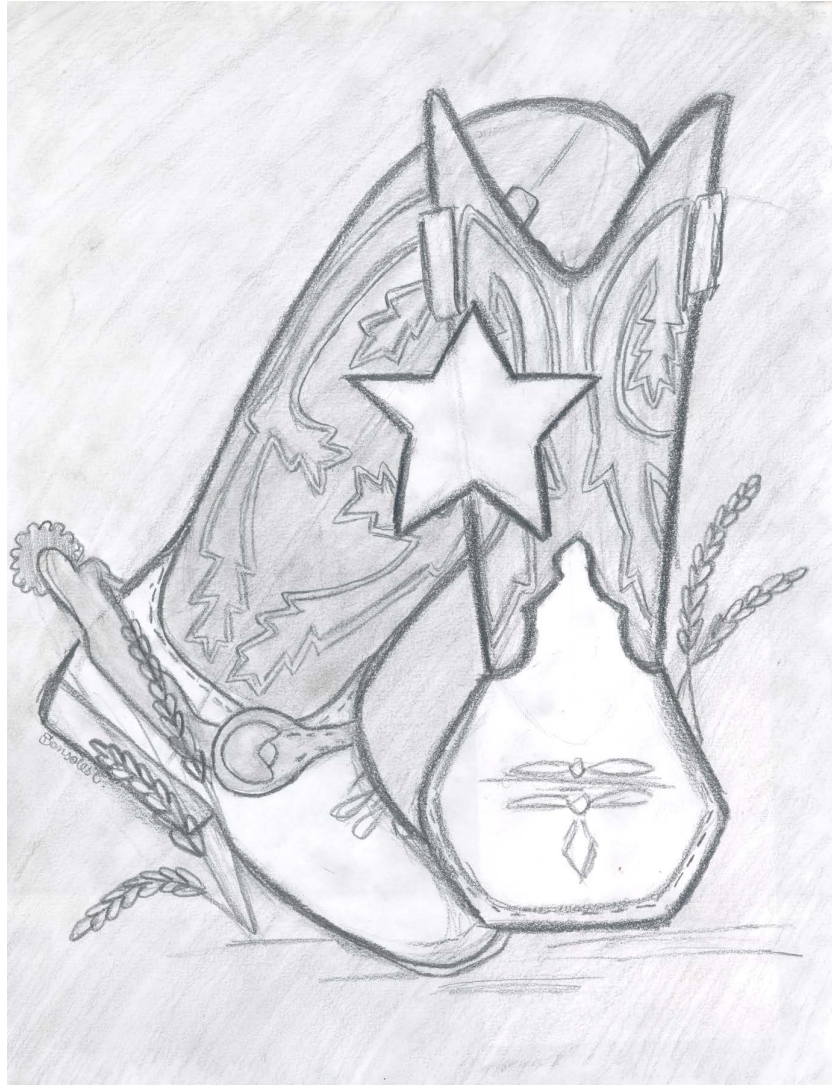
Testigo:

Nombre en letra de molde

Firma

Dirección (calle o apartado postal)

Ciudad, estado, código postal



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Comptroller of Public Accounts

Certification of the Average Closing Price of Gas and Oil - June 2023

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period June 2023 is \$47.72 per barrel for the three-month period beginning on March 1, 2023, and ending May 31, 2023. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of June 2023, from a qualified low-producing oil lease, is not eligible for credit on the oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period June 2023 is \$1.27 per mcf for the three-month period beginning on March 1, 2023, and ending May 31, 2023. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of June 2023, from a qualified low-producing well, is eligible for a 100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of June 2023 is \$70.27 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of June 2023, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of June 2023 is \$2.47 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of June 2023, from a qualified low-producing gas well.

Inquiries should be submitted to Jenny Burleson, Director, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711-3528.

Issued in Austin, Texas, on July 18, 2023.

TRD-202302575

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Filed: July 18, 2023

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.009, and 304.003, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/24/23 - 07/30/23 is 18% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/24/23 - 07/30/23 is 18% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 08/01/23 - 08/31/23 is 8.25%.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202302600

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: July 19, 2023

Office of Court Administration

Public Notice of Court Costs and Fees 2023

Government Code §51.607 requires the Office of Court Administration of the Texas Judicial System to publish a list of all court costs and fees imposed or changed during the most recent regular session of the Legislature. The following is a listing of court costs and fees that were amended, repealed, or added by the 88th Texas Legislature:

SB 380; HB 3474 (Sec. 10.007)

Senate Bill 380 is effective May 23, 2023. House Bill 3474 is effective September 1, 2023. Senate Bill 380 and House Bill 3474 amend Government Code §57.002 to prohibit a clerk from charging costs for a court-appointed interpreter if a party files a statement of inability to afford payment of court costs under Rule 145, Texas Rules of Civil Procedure, unless the statement has been contested and the court has ordered the party to pay costs pursuant to the rule.

SB 1612

Senate Bill 1612 is effective January 1, 2024. The bill addresses filing fees and related issues that were not included in Senate Bill 41 from the 87th Regular Session (2021) which consolidated and repealed various civil filing fees.

The bill amends Family Code §110.002 to increase the filing fees in suits affecting the parent-child relationship. The fee for filing a suit or motion for modification, a motion for enforcement, a notice of application for judicial writ of withholding, a petition for license suspension, a motion to revoke a stay of license suspension, or a motion for contempt is increased from \$15 to \$80.

The bill amends Family Code §110.005 to increase the filing fee from \$45 to \$80 for transferring a suit affecting the parent-child relationship.

The bill amends Government Code §51.318(b) to create a fee for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office. The clerk's certification is \$5. Fees for copies are as follows: for each page or part of a page that: (i) is printed on paper, \$1; (ii) involves converting a paper document

to electronic format, \$1; or (iii) is an electronic copy of an electronic document, for a document up to 10 pages in length, \$1. Thereafter, the fee for each page or part of a page over 10 pages in length is \$0.10.

The bill amends Government Code §51.318(b) to create fees for the district clerk's preparation of the clerk's record of transfer under §33.105 and §1023.006, Estates Code, §55.207, Family Code, and §51.3071 and §51.403, Government Code. The fee is \$5 for the clerk's transfer certificate and index, plus \$1 for each page or part of a page of a case record up to 10 pages in length. Each page or part of a page of a case record over 10 pages in length is \$0.10.

The bill amends Local Government Code §118.011 and §118.052(3) to create fees for certified and non-certified copies from a clerk of a county court. The clerk's certification is \$5. Fees for copies are as follows: for each page or part of a page that: (i) is printed on paper, \$1; (ii) involves converting a paper document to electronic format, \$1; or (iii) is an electronic copy of an electronic document, for each document up to 10 pages in length, \$1. Thereafter, the fee for each page or part of a page of a document over 10 pages in length is \$0.10.

The bill amends Local Government Code §118.052(1) and 118.052(2) to create a fee for the county clerk's preparation of the clerk's record of transfer in a civil or probate court action under §33.105 and §1023.006, Estates Code, §155.207, Family Code, and §51.3071 and §51.403, Government Code. The fee is \$5 for the clerk's transfer certificate and index, plus \$1 for each page or part of a page of a case record up to 10 pages in length. Each page or part of a page of a case record over 10 pages in length is \$0.10.

The bill amends Local Government Code §118.131(a) to clarify that a commissioners court can set reasonable fees for service of process, including a fee for the service of a writ, by the sheriff's and constables' offices.

The bill amends Local Government Code §133.151 to create a \$45 state consolidated filing fee to be charged in a district court, statutory county court, statutory probate court, or county court upon the filing of a motion to reinstate. The fee is \$21 if the motion is filed in a justice court.

The bill amends Local Government Code §135.101 and §135.103 to create a \$35 local consolidated filing fee to be charged in a district court, statutory county court, or county court upon the filing of a motion to reinstate. The fee is \$33 if the motion is filed in a justice court.

Deletions and Repeals

Senate Bill 1612 deletes or repeals the following fees and costs: payment of deferred prosecution supervision fees in a juvenile court, maximum fee is \$15 a month (Family Code §53.03(d)); the cost of attending an educational program under Family Code §54.0404, which is required for juveniles who engage in conduct involving the electronic transmission of certain visual material depicting a child, in violation of Penal Code §43.261 (Family Code §54.0404(b)); monthly juvenile probation fees (Family Code 54.061); the cost to appeal an order of a juvenile court, including the costs of legal representation (Family Code §56.01(l)); \$15 fee for filing a motion to transfer in a suit affecting the parent-child relationship (Family Code §110.002(a)(4)); \$15 for filing a garnishment after judgment (Local Government Code §118.052(1)(A)); \$45 state consolidated civil fee for filing an appeal in a district court, statutory county court, statutory probate court, or county court (Local Government Code §133.151(a)(2)); and \$1 docketing fee for filing a document not subject to a filing fee under Local Government Code §118.052(2), §135.101, or §135.102 (Local Government Code §291.008).

SB 1730

Senate Bill 1730 is effective September 1, 2023. The bill amends Government Code §51.3031 to create reasonable fees, as determined by the commissioners court of a county, for services related to the processing of a passport application by a district clerk.

HB 19

House Bill 19 amends the Government Code to create a statutory business court and require the Supreme Court of Texas to set fees for filings and actions in the court. Statutory provisions related to the fees take effect no later than September 1, 2024.

HB 1989

House Bill 1989 is effective September 1, 2023. The bill amends Government Code §51.318 to prohibit a district clerk from charging a criminal justice agency a fee for a copy, including a certified copy, of any document on file or of record in the clerk's office that relates to an individual's criminal history, if the document is requested for a criminal justice purpose.

HB 3186

House Bill 3186 is effective January 1, 2024. The bill amends Code of Criminal Procedure Chapter 45 to require each justice and municipal court to adopt a youth diversion plan for children with certain fine-only offenses and creates a \$50 administrative fee to be charged upon referral of a child to a youth diversion program. The bill requires the fee to be deposited in a special account that can be used only to offset the operating cost of a youth diversion program under the chapter. The bill applies to offenses committed on or after January 1, 2025.

The Office of Court Administration hereby certifies that legal counsel has reviewed this notice and concluded that it is within the agency's authority to publish.

TRD-202302601
Maria Elena Ramon
General Counsel
Office of Court Administration
Filed: July 19, 2023

Credit Union Department

Application to Amend Articles of Incorporation

Notice is given that the following application has been filed with the Credit Union Department (Department) and is under consideration.

An application for a change to its name was received from Mobiloil Credit Union, Beaumont, Texas. The credit union is proposing to change its name to Rave Financial Credit Union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202302582
Michael S. Riepen
Commissioner
Credit Union Department
Filed: July 19, 2023

Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final actions taken on the following application:

Field of Membership - Approved

ALLIANCE Credit Union (Lubbock) - See *Texas Register* dated on May 26, 2023.

TRD-202302579

Michael S. Riepen

Commissioner

Credit Union Department

Filed: July 19, 2023



Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final actions taken on the following application:

Out of State Branch Office - Approved

Technology Credit Union (Austin) - See *Texas Register* dated on November 26, 2021.

TRD-202302580

Michael S. Riepen

Commissioner

Credit Union Department

Filed: July 19, 2023



Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 28, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **August 28, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforce-

ment coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: BRAZOS VALLEY SEPTIC and WATER, INCORPORATED; DOCKET NUMBER: 2023-0463-UTL-E; IDENTIFIER: RN102692811; LOCATION: Sutton, Robertson County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$500; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: City of Sabinal; DOCKET NUMBER: 2022-0615-PWS-E; IDENTIFIER: RN101390938; LOCATION: Sabinal, Uvalde County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(d)(6), by failing to provide all dead-end mains with acceptable flush valves and discharge piping; and 30 TAC §290.46(f)(2) and (3)(A)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; PENALTY: \$350; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(3) COMPANY: Deyma Davila dba Dey's RV and Mobile Park; DOCKET NUMBER: 2023-0186-UTL-E; IDENTIFIER: RN106914047; LOCATION: Andrews, Andrews County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$875; ENFORCEMENT COORDINATOR: Miles Caston, (512) 239-4593; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(4) COMPANY: ELSA INVESTMENT LLC dba LaMexico 6; DOCKET NUMBER: 2022-0839-PST-E; IDENTIFIER: RN102349396; LOCATION: Elsa, Hidalgo County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(5) COMPANY: HWCC Number 3, LLC; DOCKET NUMBER: 2022-0208-PWS-E; IDENTIFIER: RN101186732; LOCATION: Argyle, Denton County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(z), by failing to create a nitrification action plan for all systems distributing chloraminated water; PENALTY: \$450; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(6) COMPANY: INV Nylon Chemicals Americas, LLC; DOCKET NUMBER: 2022-0126-AIR-E; IDENTIFIER: RN104392626; LOCATION: Orange, Orange County; TYPE OF FACILITY: industrial organic chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), New Source Review (NSR) Permit Numbers 1302 and PSDTX1085, General

Conditions Number 7 and Special Conditions (SC) Number 12.D, Federal Operating Permit (FOP) Number O1897, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 27, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain the calibration records for the Nickel Dumping Station Filter; 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Numbers 1302 and PSDTX1085, SC Number 1, FOP Number O1897, GTC and STC Number 27, and THSC, §382.085(b), by failing to comply with the maximum allowable emissions rates; 30 TAC §101.201(b) and §122.143(4), FOP Number O1897, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to make the records for the non-reportable emissions events readily available upon request; 30 TAC §101.201(b)(2)(E), (F), and (I) and §122.143(4), FOP Number O1897, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to identify all required information on the final record for a non-reportable emissions event; 30 TAC §116.110(a) and §122.143(4), FOP Number O1897, GTC, and THSC, §382.0518(a) and §382.085(b), by failing to comply with the representations with regard to construction plans and operation procedures in a permit application; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 1303, SC Number 1, FOP Number O1898, GTC and STC Number 19, and THSC, §382.085(b), by failing to prevent unauthorized emissions; 30 TAC §116.115(c) and §122.143(4), FOP Number O1897, GTC and STC Number 27, and THSC, §382.085(b), by failing to record the quarterly visible emissions observations for the Dust Collector; 30 TAC §116.115(c) and §122.143(4), FOP Number O1897, GTC and STC Number 27, and THSC, §382.085(b), by failing to record the quarterly visible emissions observations for Fire Pump Engine 1; 30 TAC §116.115(c) and §122.143(4), FOP Number O1897, GTC and STC Number 27, and THSC, §382.085(b), by failing to record the quarterly visible emissions observations for Fire Pump Engine 2; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O1897, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$94,952; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(7) COMPANY: KD GILL LLC dba Four Corner; DOCKET NUMBER: 2022-0574-PST-E; IDENTIFIER: RN102891819; LOCATION: Paint Rock, Concho County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.48(g)(1)(A)(ii) and (B) and TWC, §26.3475(c)(2), by failing to test the spill prevention equipment and containment sumps used for interstitial monitoring of piping at least once every three years to ensure the equipment is liquid tight, and failing to inspect the overflow prevention equipment at least once every three years; 30 TAC §334.49(c)(4)(C) and TWC, §26.3475(d), by failing to test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years; and 30 TAC §334.50(b)(1) and (2)(A) and (d)(1)(B)(ii), TWC, §26.3475(a) and (c)(1) and TCEQ Agreed Order Docket Number 2019-0554-PST-E, Ordering Provision Number 2(a), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every 30 days, and failing to conduct reconciliation of detailed inventory control records at least once every 30 days, in a manner sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the 30-day period plus 130 gallons, and, in addition, failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$41,625; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(8) COMPANY: Mauser USA, LLC; DOCKET NUMBER: 2021-0426-AIR-E; IDENTIFIER: RN100211002; LOCATION: Hous-

ton, Harris County; TYPE OF FACILITY: steel and plastic drum manufacturing plant; RULES VIOLATED: 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), New Source Review (NSR) Permit Number 128890, Special Conditions (SC) Numbers 11.C, 12.H, 22.H and 22.Q, Federal Operating Permit (FOP) Number O3319, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 6, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain records containing the information and data sufficient to demonstrate compliance with the permit; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 128890, SC Number 11.E, FOP Number O3319, GTC and STC Number 6, and THSC, §382.085(b), by failing to conduct annual calibrations of the differential pressure gauge of each ventilation system; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 128890, SC Numbers 11.G, 12.G, 22.K, and 22.P, FOP Number O3319, GTC and STC Number 6, and THSC, §382.085(b), by failing to maintain records containing the information and data sufficient to demonstrate compliance with the permit; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 128890, SC Number 12.C, FOP Number O3319, GTC and STC Number 6, and THSC, §382.085(b), by failing to perform an accuracy audit of the thermal oxidizer temperature sensor once every quarter; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 128890, SC Numbers 18 and 19.C, FOP Number O3319, GTC and STC Number 6, and THSC, §382.085(b), by failing to conduct one-time testing and sampling of the thermal oxidizers no later than 90 days after the test plan has been approved; 30 TAC §116.116(a)(1) and §122.143(4), FOP Number O3319, GTC and STC Number 6, and THSC, §382.085(b), by failing to comply with the representations with regard to construction plans and operation procedures in a permit application; 30 TAC §116.615(4) and §122.143(4), Standard Permit Registration Number 157110, Air Quality Standard Permit for Pollution Control Projects, General Requirements Number (2)(A), FOP Number O3319, GTC and STC Number 6, and THSC, §382.085(b), by failing to report the start of construction no later than 15 working days after occurrence of the event; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O3319, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$67,703; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: MOSS, TERRANCE DEON; DOCKET NUMBER: 2023-0803-WOC-E; IDENTIFIER: RN110667193; LOCATION: Trinity, Trinity County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Daphne Green, (903) 535-5157; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(10) COMPANY: Multi-Chem Group, LLC; DOCKET NUMBER: 2023-0567-AIR-E; IDENTIFIER: RN100660216; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: bulk chemical storage and handling operations facility; RULES VIOLATED: 30 TAC §101.201(c) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event; and 30 TAC §116.115(c) and §116.615(2), New Source Review Permit Number 6235A, Special Conditions Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$3,478; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: SEABOARD WATER SUPPLY CORPORATION; DOCKET NUMBER: 2023-0465-UTL-E; IDENTIFIER: RN101211696; LOCATION: Odem, San Patricio County; TYPE OF

FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$500; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(12) COMPANY: Seth Ward Water Supply Corporation; DOCKET NUMBER: 2023-0464-UTL-E; IDENTIFIER: RN101176808; LOCATION: Plainview, Hale County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$600; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(13) COMPANY: Southwestern Bell Telephone Company; DOCKET NUMBER: 2022-1448-PST-E; IDENTIFIER: RN102392412; LOCATION: Pflugerville, Travis County; TYPE OF FACILITY: emergency generator facility; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tank in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(14) COMPANY: Wood Island Homeowners Association Water System; DOCKET NUMBER: 2023-0223-UTL-E; IDENTIFIER: RN101240034; LOCATION: Austin, Travis County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$500; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

TRD-202302571

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 18, 2023



Combined Notice of Public Meeting and notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016297001

APPLICATION AND PRELIMINARY DECISION. BL 12 Holdings LLC, 101 Parklane Boulevard, Suite 104, Sugar Land, Texas 77478, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016297001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 850,000 gallons per day. TCEQ received this application on February 15, 2023.

The location of the outfall has been moved approximately 1.6 km downstream Callihan Creek from 29.785064 N, 97.762800 W to 29.774867 N, 97.767811 W.

The facility will be located approximately 3,450 feet northeast of the intersection of Political Road and San Marcos Highway, in Caldwell County, Texas 78644. The treated effluent will be discharged to Callihan Creek, thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Callihan Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.770833,29.775&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The TCEQ will hold a public meeting on this application because it was requested by a local legislator.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the

mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Tuesday, August 29, 2023 at 7:00 p.m.

Lockhart High School Cafeteria

906 Center Street

Lockhart, Texas 78644

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least one week prior to the meeting.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from BL 12 Holdings LLC at the address stated above or by calling Mr. Adan Rangel, P.E., Project Engineer, BGE, Inc., at (512) 806-0285.

Issuance Date: July 14, 2023

TRD-202302594

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 19, 2023



Enforcement Orders

An agreed order was adopted regarding Karishma Properties, Inc., Docket No. 2020-1024-PST-E on July 18, 2023 assessing \$5,437 in administrative penalties with \$1,087 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MT Everest Brothers Inc dba Royal Food Mart, Docket No. 2021-0165-PST-E on July 18, 2023 assessing \$4,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Barrett Hollingsworth, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JJMK Holdings, LLC, Docket No. 2021-0502-EAQ-E on July 18, 2023 assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforce-

ment Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Planter's Grain Cooperative of Odem, Texas, Docket No. 2021-1400-AIR-E on July 18, 2023 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RYAN C. HOERAUF, INC., Docket No. 2021-1466-AIR-E on July 18, 2023 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RYAN C. HOERAUF, INC., Docket No. 2021-1467-AIR-E on July 18, 2023 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RYAN C. HOERAUF, INC., Docket No. 2021-1468-AIR-E on July 18, 2023 assessing \$4,600 in administrative penalties with \$920 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RYAN C. HOERAUF, INC., Docket No. 2021-1469-AIR-E on July 18, 2023 assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RYAN C. HOERAUF, INC., Docket No. 2021-1486-AIR-E on July 18, 2023 assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Byron G. Custom Homes LLC, Docket No. 2021-1499-WQ-E on July 18, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Tarleton State University, Docket No. 2021-1506-AGR-E on July 18, 2023 assessing \$6,313 in administrative penalties with \$1,262 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Armando Guerrero, Docket No. 2022-0308-PST-E on July 18, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Horus Garcia, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Baytown, Docket No. 2022-0396-MWD-E on July 18, 2023 assessing \$5,188 in administra-

tive penalties with \$1,037 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Texas Bonarrico Homes LLC, Docket No. 2022-0402-WQ-E on July 18, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Post dba City of Post Landfill, Docket No. 2022-0409-MSW-E on July 18, 2023 assessing \$2,801 in administrative penalties with \$560 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Junction, Docket No. 2022-0566-IHW-E on July 18, 2023 assessing \$1,304 in administrative penalties with \$260 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Blanco, Docket No. 2022-0592-IHW-E on July 18, 2023 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Reterra Corporation, Docket No. 2022-0790-WQ-E on July 18, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bishok and Amrit, LLC dba Lone Star Dollar Saver 7, Docket No. 2022-0815-PST-E on July 18, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding JJ Fox Construction, Inc, Docket No. 2022-0924-WQ-E on July 18, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mertens, Docket No. 2022-1262-UTL-E on July 18, 2023 assessing \$520 in administrative penalties with \$104 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Eola Water Supply Corporation, Docket No. 2022-1511-UTL-E on July 18, 2023 assessing \$800 in administrative penalties with \$160 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding FRED GARRISON OIL COMPANY, Docket No. 2022-1604-PST-E on July 18, 2023 assessing \$4,510 in administrative penalties with \$902 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding J & B Tittle, Incorporated dba The T Post, Docket No. 2023-0062-PST-E on July 18, 2023 assessing \$2,556 in administrative penalties with \$511 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Ricky J. Yrlas, Docket No. 2023-0156-WOC-E on July 18, 2023 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was adopted regarding Ashley and Fagan Investments Co. Inc. dba Rio Brazos Water System, Docket No. 2023-0205-UTL-E on July 18, 2023 assessing \$835 in administrative penalties with \$167 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DOGWOOD SPRINGS WATER SUPPLY CORPORATION, Docket No. 2023-0209-UTL-E on July 18, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Iliia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding J Michael Design & Construction LLC, Docket No. 2023-0582-WQ-E on July 18, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Image Construction Inc, Docket No. 2023-0585-WQ-E on July 18, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Fred Richardson, Docket No. 2023-0616-WOC-E on July 18, 2023 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Carlos Flores, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202302596

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 19, 2023



Enforcement Orders

A default order was adopted regarding OLMOS EQUIPMENT, INC., Docket No. 2019-0973-MLM-E on July 19, 2023 assessing \$52,197 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding St. Paul Water Supply Corporation, Docket No. 2019-1521-MWD-E on July 19, 2023 assessing \$12,375 in administrative penalties with \$2,475 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Strawn, Docket No. 2019-1804-MWD-E on July 19, 2023 assessing \$38,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Rockdale, Docket No. 2020-1006-MWD-E on July 19, 2023 assessing \$61,472 in administrative penalties with \$12,294 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Oxy Vinyls, LP, Docket No. 2020-1239-AIR-E on July 19, 2023 assessing \$65,476 in administrative penalties with \$1,515 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RIVER INN ASSOCIATION OF UNIT OWNERS, INC., Docket No. 2020-1519-MWD-E on July 19, 2023 assessing \$12,500 in administrative penalties with \$2,500 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Raven Butene-1, LLC, Docket No. 2021-0250-AIR-E on July 19, 2023 assessing \$23,750 in administrative penalties with \$4,750 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding COMAL IRON & METAL, INC., Docket No. 2021-0295-EAQ-E on July 19, 2023 assessing \$27,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Streetman, Docket No. 2021-0357-MWD-E on July 19, 2023 assessing \$17,500 in administrative penalties with \$3,500 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Braskem America, Inc., Docket No. 2021-0475-AIR-E on July 19, 2023 assessing \$23,551 in administrative penalties with \$4,710 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, En-

forcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gemini HDPE LLC, Docket No. 2021-0589-AIR-E on July 19, 2023 assessing \$360,938 in administrative penalties with \$72,187 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Company, Docket No. 2021-0654-AIR-E on July 19, 2023 assessing \$44,450 in administrative penalties with \$8,890 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Targa Gas Processing LLC, Docket No. 2021-0661-AIR-E on July 19, 2023 assessing \$28,214 in administrative penalties with \$5,642 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Company, Docket No. 2021-1034-AIR-E on July 19, 2023 assessing \$41,703 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Company, Docket No. 2021-1066-AIR-E on July 19, 2023 assessing \$63,451 in administrative penalties with \$1,965 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NRG Texas Power LLC, Docket No. 2021-1208-AIR-E on July 19, 2023 assessing \$14,100 in administrative penalties with \$2,820 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding EQUICHEMICALS, LP, Docket No. 2021-1231-AIR-E on July 19, 2023 assessing \$11,175 in administrative penalties with \$2,235 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INEOS Americas LLC, Docket No. 2021-1233-AIR-E on July 19, 2023 assessing \$75,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Company, Docket No. 2021-1250-AIR-E on July 19, 2023 assessing \$54,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Enterprise Products Operating LLC, Docket No. 2021-1262-AIR-E on July 19, 2023 assessing \$96,250 in administrative penalties. Information concerning any as-

pect of this order may be obtained by contacting Amanda Diaz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ray A. Harlow, Docket No. 2021-1481-MWD-E on July 19, 2023 assessing \$10,400 in administrative penalties with \$2,080 deferred. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SK Primacor Americas LLC, Docket No. 2021-1521-AIR-E on July 19, 2023 assessing \$19,575 in administrative penalties with \$3,915 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LION ELASTOMERS ORANGE, LLC, Docket No. 2021-1591-AIR-E on July 19, 2023 assessing \$18,625 in administrative penalties with \$3,725 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Celanese Ltd., Docket No. 2021-1592-AIR-E on July 19, 2023 assessing \$9,375 in administrative penalties with \$1,875 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Clarity Homes, Ltd., Docket No. 2022-0060-WQ-E on July 19, 2023 assessing \$11,250 in administrative penalties with \$2,250 deferred. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Zachary Bice, Dana Riley, and Sandra Mitchell, Docket No. 2022-0541-MLM-E on July 19, 2023 assessing \$10,138 in administrative penalties with \$2,027 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cecil Joe Stark Sawmill & Logging, Inc., Docket No. 2022-0573-WQ-E on July 19, 2023 assessing \$8,938 in administrative penalties with \$1,787 deferred. Information concerning any aspect of this order may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Targa Downstream LLC, Docket No. 2022-0626-AIR-E on July 19, 2023 assessing \$17,550 in administrative penalties with \$3,510 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Broadwind Heavy Fabrications, Inc., Docket No. 2022-0734-AIR-E on July 19, 2023 assessing \$14,500 in administrative penalties with \$2,900 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas

Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TLN Properties, LLC dba Huber Garden Management, Docket No. 2022-1049-PWS-E on July 19, 2023 assessing \$5,500 in administrative penalties with \$5,500 deferred. Information concerning any aspect of this order may be obtained by contacting Nicholas Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202302598

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 19, 2023

◆ ◆ ◆
Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 28, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 28, 2023**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Jorge Arturo Vasquez De La Garza; DOCKET NUMBER: 2022-0312-PST-E; TCEQ ID NUMBER: RN101689040; LOCATION: 158 Guerra Garza Road near Rio Grande City, Starr County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.602(a), by failing to identify and designate for the UST Facility at least one named individual for each class of operator--Class A, B, and C; 30 TAC §334.7(d)(1)(A) and (B) and (3), by failing to provide an amended registration for any change or additional information regarding the UST system within 30 days of the occurrence of the change or addition; 30 TAC §334.10(b)(2), by failing to assure that all UST recordkeeping requirements are met; and 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for

taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST; PENALTY: \$7,200; STAFF ATTORNEY: Erandi Ratnayake, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

TRD-202302573

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 18, 2023

◆ ◆ ◆
Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 28, 2023**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 28, 2023**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Jeffery Pope; DOCKET NUMBER: 2021-1221-MLM-E; TCEQ ID NUMBER: RN111292512; LOCATION: 202 9th Avenue, Nederland, Jefferson County; TYPE OF FACILITY: unauthorized aboveground storage tank (AST) and unauthorized municipal solid waste (MSW) disposal site; RULES VIOLATED: TWC, §26.346(a) and 30 TAC §334.127(a)(1), by failing to register an AST; and TWC, §26.121(a) and 30 TAC §330.15(a)(1) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW into or adjacent to water in the state; PENALTY: \$9,255; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: Jimmy Ray Bland dba Bland Crushing and Salvage Facility; DOCKET NUMBER: 2021-0781-MSW-E; TCEQ ID NUMBER: RN111005716; LOCATION: 0.3 miles north of Fishtrap Road on Collins Road, Denton, Denton County; TYPE OF FACILITY: auto crushing and scrap tire storage facility; RULES VIOLATED: Texas Health and Safety Code, §361.112(a) and 30 TAC §§328.56(d)(2), 328.59(b)(1), and 328.60(a), by failing to obtain a scrap tire storage registration for the facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers; 30 TAC §328.58(a) and (e) and §328.62(c), by failing to maintain a complete record in the form of a five-part manifest of each individual load of used or scrap tires or tire pieces transported from the facility; 30 TAC §328.56(d)(4), by failing to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks; and 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of municipal solid waste; PENALTY: \$38,080; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: MAPLE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-1133-UTL-E; TCEQ ID NUMBER: RN101458156; LOCATION: 3198 Farm-to-Market Road 596, Maple, Bailey County; TYPE OF FACILITY: water utility; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations; PENALTY: \$625; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

TRD-202302574

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 18, 2023



Notice of Public Meeting Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 171636

Application. Texas Star Ready Mix, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration No. 171636, which would authorize a concrete batch plant located at 4500 Great Trinity Forest Way, Dallas, Dallas County, Texas 75216. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcereview/air-permits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.704138&lng=-96.743367&zoom=13&type=r>. The proposed facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

This application was submitted to the TCEQ on January 30, 2023. The executive director has completed the administrative and technical reviews of the application and determined that the application meets all of the requirements of a standard permit authorized by 30 TAC § 116.611, which would establish the conditions under which the plant must operate. The executive director has made a preliminary decision to issue the registration because it meets all applicable rules.

Public Comment/Public Meeting. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, August 17, 2023 at 7:00 P.M.

Crowne Plaza Dallas Downtown, an IHG Hotel

Hotel Room - Dallas C

1015 Elm Street

Dallas, Texas 75202

Information. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the permit number at the top of this form.

The application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office, and at J. Erik Jonsson Central Library, 1515 Young Street, Dallas, Dallas County, Texas 75201. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Dr, Fort Worth, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit.

Further information may also be obtained from Texas Star Ready Mix, LLC, 4500 Great Trinity Forest Way, Dallas, Texas 75216- or by calling Mr. Eyad Albelbaisi, Operations Manager at (214) 475-5095.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: July 13, 2023

TRD-202302592

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 19, 2023



Notice of Public Meeting Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 172213

Application. Bell Concrete, Inc., has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration No. 172213, which would authorize construction of a permanent concrete batch plant located at the following driving directions: from the intersection of Farm-to-Market Road 548 and State Highway 276, travel south 0.83 miles to the site on the east side of Farm-to-Market Road 548, Rockwall, Rockwall County, Texas 75189.

AVISO DE IDIOMA ALTERNATIVO. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsource/airpermits-pending/permit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/Location-Mapper/?marker=-96.3325,32.890833&level=13>. The proposed facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

This application was submitted to the TCEQ on March 24, 2023. The executive director has completed the administrative and technical reviews of the application and determined that the application meets all of the requirements of a standard permit authorized by 30 TAC §116.611, which would establish the conditions under which the plant must operate. The executive director has made a preliminary decision to issue the registration because it meets all applicable rules.

Public Comment/Public Meeting. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Monday, August 21, 2023 at 7:00 P.M.

SpringHill Suites Dallas Rockwall

2601 Lakefront Trail

Rockwall, Texas 75032

Information. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the permit number at the top of this form.

The application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office, and at the Rockwall County Library, 1215 East Yellowjacket Lane, Rockwall, Rockwall County, Texas 75087. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit.

Further information may also be obtained from Bell Concrete, Inc., 625 7th Street, Sulphur Springs, Texas 75482-2066 or by calling Mrs. Melissa Fitts, Vice President, Westward Environmental, Inc. at (830) 249-8284.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: July 18, 2023

TRD-202302593

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 19, 2023



Notice of Receipt of Application and Intent to Obtain Municipal Solid Waste Permit

Notice issued on July 14, 2023

Proposed Permit No. 2419

Application. Hill Country Waste Solutions, L.L.C., has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit to authorize the new Spring Branch Transfer Station to manage solid waste generated by the citizens of Comal and adjacent counties. It will be designed to accommodate a maximum of 1,500 tons of solid waste per day. Solid waste will be transported from this facility to a TCEQ approved landfill for final disposal. A portion of the transfer station will be set aside and designated as a sludge storage area for bins of treated and dewatered municipal sewage sludge. Once full the sludge will be transported to a permitted beneficial use site for disposal. The facility is proposed to be located at 11301 US Highway 281 North, Spring Branch, Comal County, Texas 78070-6301. The TCEQ received this application on May 19, 2023. The permit application is available for

viewing and copying at Mammen Family Public Library, 131 Bulverde Crossing, Bulverde, Comal County, Texas 78163, and may be viewed online at <https://www.hcwastesolutions.com/transfer>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/1Kv9C2>. For exact location, refer to application.

Alternative Language Notice/Aviso sobre lenguas alternativas. Alternative language notice in Spanish is available at www.tceq.texas.gov/goto/mswapps. Hay disponible un aviso en espa ol en www.tceq.texas.gov/goto/mswapps.

Additional Notice. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

Opportunity for a Contested Case Hearing. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A person who may be affected by the facility is entitled to request a contested case hearing from the commission. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

To Request a Contested Case Hearing, You Must Include The Following Items in Your Request: your name, address, phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period, and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing

on issues the requestor submitted in their timely comments that were not subsequently withdrawn.

If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decision on the application submitted during the comment period.

Mailing List. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the permit number for this application, which is provided at the top of this notice.

Agency Contacts and Information. All public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087.

Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea informaci n en espa ol, puede llamar al (800) 687-4040.

Further information may also be obtained from Hill Country Waste Solutions, L.L.C., at the address stated above or by calling Mr. Karlis Ercums, IV, President at (830) 885-5512.

TRD-202302595

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 19, 2023



General Land Office

Correction of Error

The General Land Office adopted amendments to 31 TAC §§26.10, 26.15, 26.18, 26.21, 26.23 - 26.25, 26.31 and 26.34 in the July 7, 2023, issue of the *Texas Register* (48 TexReg 3672). Due to an error by the Texas Register, the amendments were published with 31 TAC §26.21 missing from the list of rule numbers. The correct text should be shown as follows:

31 TAC §§26.10, 26.15, 26.18, 26.21, 26.23 - 26.25, 26.31 and 26.34

TRD-202302565

Mark Havens

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: July 17, 2023



Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of July 8, 2023 to July 14 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.25, 30.32, and 30.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, July 21, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, August 20, 2023.

FEDERAL AGENCY ACTIONS:

Applicant: Houston Pipe Line Company, LLC

Location: The project site is located in the Gulf of Mexico, approximately 3.5 miles east of Padre Island, in Kenedy County, Texas, extending into Kleberg County and Willacy County. The project site can be located on the Texas GLO Land and Lease Viewer: Submerged Original Texas Land Survey (OTS) Track 1064 through to Track 979 under easement numbers ME800158 and ME20000074.

Latitude and Longitude:

Point of Beginning: 26.466878, -97.075740

Point of Ending: 27.373889, -97.336389

Project Description: The applicant proposes to decommission-in-place the entire Padre Island Pipeline System, which includes: the 68.0-mile length of 20-inch pipeline known as PSN ME800158, the 2.2-mile length of 10-inch lateral pipeline known as PSN ME20000074, and the 0.42-mile length of 10-inch lateral pipeline known as the southern lateral. The applicant has stated that the proposed project would not result in either temporary or permanent impacts to the seafloor. The applicant states that full removal of this pipeline system would cause significant disturbance and ecological damage to the seafloor and would introduce an unnecessary safety risk to personnel involved in the removal operations. In accordance with the Bureau of Safety and Environmental Enforcement 30 CFR 250.1750, pipeline decommissioning requirements, the applicant proposes to perform the following: 1) Disconnect from the previous service platform and subsea tie-in connections; 2) Flush the lines by pigging and fill with seawater to equalize the line pressure; 3) Plug each end of the pipeline segments; and 4) Cover each end with a protective concrete mat and confirm the depth of cover.

The proposed duration for the decommissioning operations on shore within the Padre Island National Seashore are expected not to exceed 5 working days with equipment and personnel limited to a 60- x 60-foot temporary workspace.

The applicant has stated that they would avoid and minimize environmental impacts by decommissioning the clean pipeline system in place, rather than removing it and causing disruption within the Gulf of Mexico water column and along the seafloor. The applicant has not proposed any form of mitigation.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2021-00708. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

CMP Project No: 23-1319-F1

Applicant: Matagorda Bay Foundation

Location: The project site is located near Oliver Point, approximately 3 miles south-southwest of the City of Palacios at the confluence of Matagorda, Tres Palacios, and Coon Island Bays, in Matagorda County, Texas.

Latitude and Longitude: 28.643259, -96.234927

Project Description: The applicant proposes to discharge a total of 85,626 cubic yards of fill material into approximately 30.4 acres of open water within Matagorda/ Tres Palacios/ Coon Island Bays below the mean high water (MHW) for the purposes of restoring a degraded oyster reef and installing shoreline protection near Oliver Point.

Specifically, the applicant proposes to discharge 37,390 cubic yards of armor stone and bedding stone within 7.2 acres to install 22 angled rows of oyster reef, each 300 feet long and spaced 120 feet apart. In addition, the applicant will place 13,317 cubic yards of cultch between the oyster reef rows for additional surface area for spat accumulation and to prevent scour at toes of reef rows, within 16.5 acres. The applicant will place approximately 34,919 cubic yards of armor and bedding stone within 6.7 acres for shoreline protection consisting of 25 breakwaters, each 250 feet long and spaced 25 feet apart. Shoreline protection will be installed approximately 500 feet from the existing shoreline in open water.

No wetlands will be filled and no SAV or oyster impacts are associated with this project. The breakwater and reef structures have been designed to minimize impacts to the greatest extent practicable. Remnant shell is expected as the survey site includes the footprint of the legacy reef and there is oyster habitat in areas outside of the project area. Wave energy influences the scattered shell that is in the project area, and that, along with the lack of larger material prohibits shell massing. The submerged portions of the proposed project (both reef rows and breakwaters) provide hard substrate suitable for oyster spat settlement. The proposed project will create 6.7 acres of hard rock surface area substrate and 16.5 acres of cultch surface area (both) below mean high water suitable for colonization by oysters and other sessile organisms.

The applicant does not propose mitigation compensation for this proposed project, as the breakwaters are a component of a living shoreline restoration activity, and the oyster reef restoration proposes to restore 23.7 acres of resource habitat and provide additional storm risk management benefits.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2023-00269. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1327-F1

Applicant: City of LaPorte

Location: The project site is located in Galveston Bay, at Sylvan Beach Park, at 636 North Bayshore Drive, in LaPorte, in Harris and Chambers Counties, Texas. The fill material will be obtained from the Arcosa Rye Borrow Pit, located at 28125 Highway 146 North, in Cleveland, Texas 77327.

Latitude and Longitude: 29.652851, -95.008693

Project Description: The applicant proposes to discharge a total of 2,800 cubic yards of beach quality sand fill material over a total of 970 linear feet within Galveston Bay. The project components are separated into northern and southern cell. A total of 1,700 cubic yards of material will be placed in Galveston Bay to the maximum seaward extent from 5 to 80 feet at a 10:1 beach slope in the northern cell. The northern cell measures 490 feet along the shoreline by 75 feet wide and is bordered by two existing groins. A total of 1,100 cubic yards of material will be placed in Galveston Bay to the maximum seaward extent from 0 to 65 feet at a 10:1 beach slope in the southern cell. The southern cell measures 480 feet along the shoreline by 75 feet wide and is bordered by two existing groins. The fill material will be obtained from the Arcosa Rye Borrow Pit located at 28125 Highway 146, in Cleveland, Texas 77327.

The applicant has stated that they have avoided and minimized the environmental impacts by designing the project as the minimum necessary to accomplish the project purpose of restoring the eroded shoreline to its pre-Hurricane Harvey design, function, and capacity. Additional avoidance and minimization activities include proper storage of construction materials and equipment within the project work areas outside of waters of the US. The applicant has stated that construction activities would occur from the shoreline and the frequency and numbers of vehicles will be minimized and not staged overnight on the beach. Access to the construction area will be within designated ingress/egress routes that are clearly delineated. The applicant stated that turbidity at the construction site will be controlled by either a temporary wave break and/or silt curtain. The applicant does not propose to impact any special aquatic sites and therefore does not offer compensatory mitigation.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2003-00924. This application will be reviewed pursuant to Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1328-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202302577

Mark Havens

Chief Clerk

General Land Office

Filed: July 18, 2023



Official Notice to Vessel Owner/Operator

Authority

This preliminary report and notice of violation was issued by the Deputy Director, Oil Spill Prevention and Response Division (OSPR), Texas General Land Office, on 7/7/2023.

Facts

Based on an investigation conducted by Texas General Land Office-Region 5 staff on 7/7/2023, the Commissioner of the General Land Office (GLO), has determined that a sailing vessel identified as **GLO Ves-**

sel Tracking Number 5-93847 is in a wrecked, derelict and substantially dismantled condition without the consent of the commissioner. The vessel is located at Lat. N 28°47'46" Long. W 95°33'48" in Matagorda County, Texas.

The GLO determined that pursuant to OSPRA §40.254(b)(2)(B), that the vessel DOES NOT HAVE intrinsic value. The GLO has also determined that, because of the vessel's location and condition, the vessel poses a **THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE.**

Violation

YOU ARE HEREBY GIVEN NOTICE, pursuant to the provisions of § 40.254 of the Texas Natural Resources Code, (OSPRA) that you are in violation of OSPRA §40.108(a) that prohibits a person from leaving, abandoning, or maintaining any structure or vessel in or on coastal waters, on public or private lands, or at a public or private port or dock if the structure or vessel is in a wrecked, derelict, or substantially dismantled condition, and the Commissioner determines the vessel is involved in an actual or threatened unauthorized discharge of oil; a threat to the public health, safety, and welfare; a threat to the environment; or a navigational hazard. The Commissioner is authorized by OSPRA §40.108(b) to dispose of or contract for the disposal of any vessel described in §40.108(a).

Recommendation

The Deputy Director has determined who the person responsible for abandoning this vessel (GLO Tracking Number 93847) and recommends that the Commissioner order the abandoned vessel be disposed of in accordance with OSPRA §40.108.

The owner or operator of this vessel can request a hearing to contest the violation and the removal and disposal of the vessel. If the owner or operator wants to request a hearing, a request in writing must be made within twenty (20) days of this notice being posted on the vessel. The request for a hearing must be sent to: Texas General Land Office, Oil Spill Prevention and Response Division, P.O. Box 12873, Austin, Texas 78711. Failure to request a hearing may result in the removal and disposal of the vessel by the GLO. If the GLO removes and disposes of the vessel, the GLO has authority under TNRC §40.108(b) to recover the costs of removal and disposal from the vessel's owner or operator. For additional information contact us at (512) 463-2613.

TRD-202302578

Mark Havens

Chief Clerk

General Land Office

Filed: July 18, 2023



Texas Department of Insurance

Company Licensing

Application for Discover Property & Casualty Insurance Company, a foreign fire and/or casualty company, to change its name to TravCo Personal Insurance Company. The home office is in Hartford, Connecticut.

Application to do business in the state of Texas for American Savings Life Insurance Company, a foreign life, accident and/or health company. The home office is in Mesa, Arizona.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of John Carter, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202302597
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: July 19, 2023

◆ ◆ ◆

Texas Lottery Commission

Scratch Ticket Game Number 2519 "\$5,000 WINNINGS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2519 is "\$5,000 WINNINGS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2519 shall be \$1.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2519.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 2X SYMBOL, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100 and \$5,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2519 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
2X SYMBOL	DBL
\$1.00	ONE\$
\$2.00	TWO\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$5,000	FVTH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2519), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 150 within each Pack. The format will be: 2519-000001-001.

H. Pack - A Pack of "\$5,000 WINNINGS" Scratch Ticket Game contains 150 Scratch Tickets, packed in plastic shrink-wrapping and fan-folded in pages of five (5). Tickets 001 to 005 will be on the top page; Tickets 006 to 010 on the next page; etc.; and Tickets 146 to 150 will be on the last page with backs exposed. Ticket 001 will be folded over so the front of Ticket 001 and 010 will be exposed.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "\$5,000 WINNINGS" Scratch Ticket Game No. 2519.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$5,000 WINNINGS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose eleven (11) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to the WINNING NUMBER Play Symbol, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly eleven (11) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly eleven (11) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the eleven (11) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the eleven (11) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 01 and \$1).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

F. KEY NUMBER MATCH: There will be no matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

G. KEY NUMBER MATCH: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$5,000 WINNINGS" Scratch Ticket Game prize of \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$50.00 or \$100, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00 or \$100 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$5,000 WINNINGS" Scratch Ticket Game prize of \$5,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$5,000 WINNINGS" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$5,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$5,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket Game prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "\$5,000 WINNINGS" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 17,040,000 Scratch Tickets in the Scratch Ticket Game No. 2519. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2519 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$1.00	1,704,000	10.00
\$2.00	1,136,000	15.00
\$5.00	284,000	60.00
\$10.00	312,400	54.55
\$20.00	28,400	600.00
\$50.00	8,165	2,086.96
\$100	2,130	8,000.00
\$5,000	20	852,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.90. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2519 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2519, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202302581

Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 19, 2023



Scratch Ticket Game Number 2520 "\$200,000 WINNINGS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2520 is "\$200,000 WINNINGS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2520 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2520.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,

23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 2X SYMBOL, 5X SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000 and \$200,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2520 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI

30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWV\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$200,000	200TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2520), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2520-0000001-001.

H. Pack - A Pack of "\$200,000 WINNINGS" Scratch Ticket Game contains 075 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show

the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "\$200,000 WINNINGS" Scratch Ticket Game No. 2520.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$200,000 WINNINGS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty-five (45) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly forty-five (45) Play Symbols under the Latex Overprint on the

front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 10 and \$10).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to three (3) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$200,000 WINNINGS" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$200,000 WINNINGS" Scratch Ticket Game prize of \$1,000, \$5,000 or \$200,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$200,000 WINNINGS" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt

to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$200,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$200,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket Game prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "\$200,000 WINNINGS" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 12,000,000 Scratch Tickets in the Scratch Ticket Game No. 2520. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2520 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	1,200,000	10.00
\$10.00	960,000	12.50
\$20.00	280,000	42.86
\$25.00	160,000	75.00
\$50.00	160,000	75.00
\$100	28,000	428.57
\$200	5,000	2,400.00
\$500	1,900	6,315.79
\$1,000	125	96,000.00
\$5,000	15	800,000.00
\$200,000	6	2,000,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.29. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2520 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2520, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202302583

Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 19, 2023



Scratch Ticket Game Number 2521 "\$500,000 WINNINGS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2521 is "\$500,000 WINNINGS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2521 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2521.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42,

43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000, \$50,000 and \$500,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2521 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWN
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
57	FFSV
58	FFET
59	FFNI

60	SXTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$50,000	50TH
\$500,000	500TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2521), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2521-0000001-001.

H. Pack - A Pack of "\$500,000 WINNINGS" Scratch Ticket Game contains 050 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "\$500,000 WINNINGS" Scratch Ticket Game No. 2521.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$500,000 WINNINGS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-six (56) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly fifty-six (56) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-six (56) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the fifty-six (56) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the fifty-six (56) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure. B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols. C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20). D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket. E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket. F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol. G. KEY NUMBER MATCH: A Ticket may have up to five (5) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure. H. KEY NUMBER MATCH: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure. I. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure. J. KEY NUMBER MATCH: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$500,000 WINNINGS" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$500,000 WINNINGS" Scratch Ticket Game prize of \$1,000, \$10,000, \$50,000 or \$500,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$500,000 WINNINGS" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$500,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$500,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket Game prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "\$500,000 WINNINGS" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 10,080,000 Scratch Tickets in the Scratch Ticket Game No. 2521. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2521 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	1,058,400	9.52
\$20.00	604,800	16.67
\$30.00	453,600	22.22
\$50.00	201,600	50.00
\$100	138,516	72.77
\$200	17,220	585.37
\$500	2,100	4,800.00
\$1,000	252	40,000.00
\$10,000	8	1,260,000.00
\$50,000	4	2,520,000.00
\$500,000	6	1,680,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.07. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2521 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2521, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202302584
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 19, 2023

◆ ◆ ◆

Scratch Ticket Game Number 2522 "\$1,000,000 WINNINGS"

- 1.0 Name and Style of Scratch Ticket Game.
 - A. The name of Scratch Ticket Game No. 2522 is "\$1,000,000 WINNINGS". The play style is "key number match".
 - 1.1 Price of Scratch Ticket Game.
 - A. Tickets for Scratch Ticket Game No. 2522 shall be \$20.00 per Scratch Ticket.
 - 1.2 Definitions in Scratch Ticket Game No. 2522.
 - A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.
 - B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.
 - C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03,

04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 2X SYMBOL, 5X SYMBOL, 20X SYMBOL, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$2,000, \$20,000, \$100,000 and \$1,000,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2522 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
57	FFSV
58	FFET
59	FFNI

60	SXTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
20X SYMBOL	WINX20
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$2,000	TOTH
\$20,000	20TH
\$100,000	100TH
\$1,000,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2522), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2522-0000001-001.

H. Pack - A Pack of "\$1,000,000 WINNINGS" Scratch Ticket Game contains 025 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 025 while the other fold will show the back of Ticket 001 and front of 025.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "\$1,000,000 WINNINGS" Scratch Ticket Game No. 2522.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$1,000,000 WINNINGS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the sixty-six (66) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 30 and \$30).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to five (5) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "20X" (WINX20) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$1,000,000 WINNINGS" Scratch Ticket Game prize of \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$1,000,000 WINNINGS" Scratch Ticket Game prize of \$2,000, \$20,000, \$100,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$1,000,000 WINNINGS" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If

a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$1,000,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$1,000,000 WINNINGS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket Game prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "\$1,000,000 WINNINGS" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 9,000,000 Scratch Tickets in the Scratch Ticket Game No. 2522. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2522 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	900,000	10.00
\$30.00	720,000	12.50
\$50.00	630,000	14.29
\$100	270,000	33.33
\$200	115,950	77.62
\$500	7,500	1,200.00
\$2,000	450	20,000.00
\$20,000	20	450,000.00
\$100,000	5	1,800,000.00
\$1,000,000	4	2,250,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.40. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2522 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2522, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202302585
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 19, 2023



Scratch Ticket Game Number 2529 "\$100 GRAND"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2529 is "\$100 GRAND". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2529 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2529.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, STAR SYMBOL, 10X SYMBOL, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$250, \$500, \$1,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2529 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFO
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
STAR SYMBOL	WIN\$50
10X SYMBOL	WINX10
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$250	TOFF
\$500	FVHN
\$1,000	ONTH
\$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2529), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2529-0000001-001.

H. Pack - A Pack of the "\$100 GRAND" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse; i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the Pack.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$100 GRAND" Scratch Ticket Game No. 2529.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$100 GRAND" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "STAR" Play Symbol, the player wins \$50 instantly. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty-five (45) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly forty-five (45) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to twenty (20) times.

D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000 and \$100,000 will each appear at least once, except on Tickets winning twenty (20) times and with respect to other parameters, play action or prize structure.

E. No matching non-winning YOUR NUMBERS Play Symbols will appear on a Ticket.

F. A non-winning Prize Symbol will never match a winning Prize Symbol.

G. Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

H. No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

I. All YOUR NUMBERS Play Symbols, excluding the "10X" (WINX10) Play Symbol, will never equal the corresponding Prize Symbol (i.e., \$5 and 05 and \$20 and 20).

J. On all Tickets, a Prize Symbol will not appear more than five (5) times, except as required by the prize structure to create multiple wins.

K. On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

L. The "10X" (WINX10) Play Symbol will never appear more than once on a Ticket.

M. The "10X" (WINX10) Play Symbol will win 10 TIMES the prize for that Play Symbol and will win as per the prize structure.

N. The "10X" (WINX10) Play Symbol will never appear on a Non-Winning Ticket.

O. The "10X" (WINX10) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

P. The "STAR" (WIN\$50) Play Symbol will win \$50 instantly and will win as per the prize structure.

Q. The "STAR" (WIN\$50) Play Symbol will never appear more than once on a Ticket.

R. The "STAR" (WIN\$50) Play Symbol will never appear on a Non-Winning Ticket.

S. The "STAR" (WIN\$50) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

T. The "STAR" (WIN\$50) and the "10X" (WINX10) Play Symbols can appear on the same winning Ticket, as indicated by the prize structure.

U. The "STAR" (WIN\$50) Play Symbol will only appear with the \$50 Prize Symbol.

V. The \$50 Prize Symbol will only appear with the "STAR" (WIN\$50) Play Symbol.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$100 GRAND" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$250 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and,

if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100, \$250 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$100 GRAND" Scratch Ticket Game prize of \$1,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$100 GRAND" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No lia-

bility for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$100 GRAND" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$100 GRAND" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A

Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 7,200,000 Scratch Tickets in Scratch Ticket Game No. 2529. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2529 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	752,000	9.57
\$10.00	672,000	10.71
\$20.00	208,000	34.62
\$50.00	96,000	75.00
\$100	27,000	266.67
\$250	2,560	2,812.50
\$500	2,100	3,428.57
\$1,000	50	144,000.00
\$100,000	6	1,200,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.09. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket

Game No. 2529 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2529, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202302599
Bob Biard
General Counsel
Texas Lottery Commission
Filed: July 19, 2023



Public Utility Commission of Texas

Notice of Application for Designation as an Eligible Telecommunications Carrier

Notice is given to the public of an application filed with the Public Utility Commission of Texas on June 27, 2023, and clarified to be requesting designation as an eligible telecommunications carrier (ETC) in the State of Texas under 47 U.S.C. § 214(e) and 16 Texas Administrative Code §26.418 on July 13, 2023.

Docket Title and Number: Application of Syntrio Solutions, LLC for Designation as an Eligible Telecommunications Carrier, Docket Number 55179.

The Application: Syntrio Solutions, LLC seeks an eligible telecommunications carrier designation in Texas.

Persons who wish to file a motion to intervene or comments on the application should contact the commission as an intervention deadline will be imposed. A comment or request to intervene should be mailed to P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55179.

TRD-202302556
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: July 17, 2023



Notice of Application to Adjust High Cost Support Under 16 TAC §26.407(h)

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on July 11, 2023, to adjust the high-cost support received from the Small and Rural Incumbent Local Exchange Company Universal Service Plan without effect to current rates.

Docket Title and Number: Application of Taylor Telephone Cooperative, Inc. to Adjust High Cost Support Under 16 TAC §26.407(h), Docket Number 55220.

Taylor Telephone Cooperative, Inc. requests a high-cost support adjustment from its current level of \$1,760,572 by an additional

\$704,228.80 to a total of \$2,464,800.80 in annual high cost support. The requested adjustment complies with the cap of 140% of the annualized support the provider received in the previous 12 months, as required by 16 Texas Administrative Code §26.407(g)(1).

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-(888) 782-8477 as a deadline to intervene may be imposed. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55220.

TRD-202302510
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: July 12, 2023



Notice of Application to Adjust High Cost Support Under 16 TAC §26.407(h)

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on July 13, 2023, to adjust the high-cost support received from the Small and Rural Incumbent Local Exchange Company Universal Service Plan without effect to current rates.

Docket Title and Number: Application of Colorado Valley Telephone Cooperative, Inc. to Adjust High Cost Support Under 16 TAC §26.407(h), Docket Number 55237.

Colorado Valley Telephone Cooperative, Inc. requests a high-cost support adjustment increase of \$935,163 in annual high cost support. The requested adjustment complies with the cap of 140% of the annualized support the provider received in the previous 12 months, as required by 16 Texas Administrative Code §26.407(g)(1).

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at (888) 782-8477 as a deadline to intervene may be imposed. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55237.

TRD-202302562
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: July 17, 2023



Notice of Application to Relinquish Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider

Notice is given to the public of an application filed with the Public Utility Commission of Texas on July 14, 2023, to relinquish designation as an eligible telecommunications carrier and eligible telecommunications provider under 16 Texas Administrative Code §26.418.

Docket Title and Number: Application of DialToneServices, LP to Relinquish its Designations as an Eligible Telecommunications Provider and Eligible Telecommunications Carrier in Four Wire Centers Served

by Southwestern Bell Telephone Company dba AT&T Texas, Docket Number 55248.

The Application: DialToneServices LP requests to relinquish its designations as an eligible telecommunications provider (ETP) and as an eligible telecommunications carrier (ETC) in certain wire centers served by Southwestern Bell Telephone Company dba AT&T Texas, to be effective December 31, 2023. The wire centers in which DialToneServices seeks to relinquish its ETP and ETC designations are Bruni (BRUNTXBR), Batesville (BTVLTXBV), Midkiff (MDKFTXMK), and Marathon (MRTHTXMA).

Persons who wish to file a motion to intervene or comments on the application should contact the commission as an intervention deadline will be imposed. A comment or request to intervene should be mailed to P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired

individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55248.

TRD-202302572
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: July 18, 2023

◆ ◆ ◆
Supreme Court of Texas

Preliminary Approval of Amendments to Texas Rules of Civil Procedure 221, 222, 225, and 504.2

Supreme Court of Texas

Misc. Docket No. 23-9044

Preliminary Approval of Amendments to Texas Rules of Civil Procedure 221, 222, 225, and 504.2

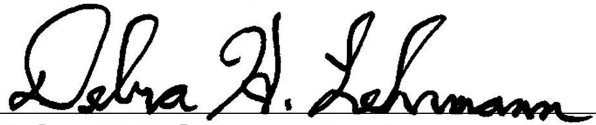
ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rules of Civil Procedure 221, 222, 225, and 504.2.
2. To effectuate the Act of May 28, 2023, 88th Leg., R.S., ch. 861 (H.B. 3474), the amendments are effective September 1, 2023. But the amendments may later be changed in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by November 1, 2023.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

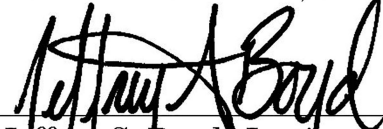
Dated: July 14, 2023.



Nathan L. Hecht, Chief Justice



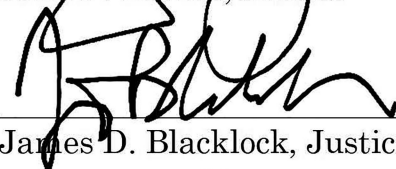
Debra H. Lehrmann, Justice



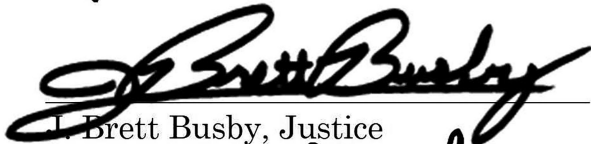
Jeffrey S. Boyd, Justice



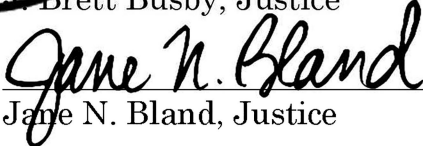
John P. Devine, Justice



James D. Blacklock, Justice



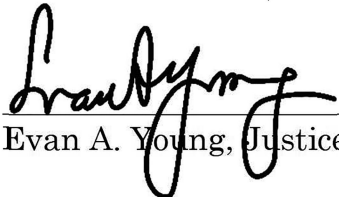
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF CIVIL PROCEDURE

RULE 221. CHALLENGE TO THE ARRAY

When the jurors summoned have not been selected by jury commissioners or by drawing the names from a jury wheel, any party to a suit which is to be tried by a jury may, before the jury is drawn challenge the array upon the ground that the ~~officer~~ sheriff or clerk summoning the jury has acted corruptly, and has wilfully summoned jurors known to be prejudiced against the party challenging or biased in favor of the adverse party. All such challenges must be in writing setting forth distinctly the grounds of such challenge and supported by the affidavit of the party or some other credible person. When such challenge is made, the court shall hear evidence and decide without delay whether or not the challenge shall be sustained.

RULE 222. WHEN CHALLENGE IS SUSTAINED

If the challenge be sustained, the array of jurors summoned shall be discharged, and the court shall order other jurors summoned in their stead, and shall direct that the ~~officer~~ sheriff or clerk who summoned the persons so discharged, and on account of whose misconduct the challenge has been sustained, shall not summon any other jurors in the case.

RULE 225. SUMMONING TALESMAN

When there are not as many as twenty-four names drawn from the box, if in the district court, or as many as twelve, if in the county court, the court shall direct the sheriff or clerk to summon such number of qualified persons as the court deems necessary to complete the panel. The names of those thus summoned shall be placed in the box and drawn and entered upon the slips as provided in the preceding rules.

RULE 504. JURY

RULE 504.2. EMPANELING THE JURY

- (a) *Drawing Jury and Oath.* If no method of electronic draw has been implemented, the judge must write the names of all prospective jurors present on separate slips of paper as nearly alike as may be, place them in a box, mix them well, and then draw the names one by one from the box. The judge must list the names drawn and deliver a copy to each of the parties or their attorneys.

- (b) *Oath.* After the draw, the judge must swear the panel as follows: “You solemnly swear or affirm that you will give true and correct answers to all questions asked of you concerning your qualifications as a juror.”
- (c) *Questioning the Jury.* The judge, the parties, or their attorneys will be allowed to question jurors as to their ability to serve impartially in the trial but may not ask the jurors how they will rule in the case. The judge will have discretion to allow or disallow specific questions and determine the amount of time each side will have for this process.
- (d) *Challenge for Cause.* A party may challenge any juror for cause. A challenge for cause is an objection made to a juror alleging some fact, such as a bias or prejudice, that disqualifies the juror from serving in the case or that renders the juror unfit to sit on the jury. The challenge must be made during jury questioning. The party must explain to the judge why the juror should be excluded from the jury. The judge must evaluate the questions and answers given and either grant or deny the challenge. When a challenge for cause has been sustained, the juror must be excused.
- (e) *Challenges Not for Cause.* After the judge determines any challenges for cause, each party may select up to 3 jurors to excuse for any reason or no reason at all. But no prospective juror may be excused for membership in a constitutionally protected class.
- (f) *The Jury.* After all challenges, the first 6 prospective jurors remaining on the list constitute the jury to try the case.
- (g) *If Jury Is Incomplete.* If challenges reduce the number of prospective jurors below 6, the judge may direct the sheriff, ~~or constable,~~ or clerk to summon others and allow them to be questioned and challenged by the parties as before, until at least 6 remain.
- (h) *Jury Sworn.* When the jury has been selected, the judge must require them to take substantially the following oath: “You solemnly swear or affirm that you will render a true verdict according to the law and the evidence presented.”

TRD-202302513
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: July 14, 2023



How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 48 (2023) is cited as follows: 48 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “48 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 48 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
26. Health and Human Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is \$502 annually for first-class mail delivery and \$340 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

Phone: (800) 833-9844

Fax: (518) 487-3584

E-mail: customer.support@lexisnexis.com

Website: www.lexisnexis.com/printedsc



LexisNexis