

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.

Department of Aging and Disability Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 48, Community Care for Aged and Disabled, are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 271, Community Care for Aged and Disabled.

The rules will be transferred in the Texas Administrative Code effective September 15, 2023.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 48

TRD-202302795



Health and Human Services Commission

Rule Transfer

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Figure: 40 TAC Chapter 48

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Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 48. Community Care for Aged and Disabled	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 271. Community Care for Aged and Disabled
Subchapter A. Definitions.	Subchapter A. Definitions.
§48.1201. Definitions of Program Terms.	§271.1. Definitions of Program Terms.
Subchapter B. Interest Lists.	Subchapter B. Interest Lists.
§48.1301. Definitions.	§271.3. Definitions.
§48.1302. Community Care Interest List.	§271.5. Community Care Interest List.
§48.1303. Enrollment.	§271.7. Enrollment.
Subchapter H. Eligibility.	Subchapter C. Eligibility.
§48.2901. Eligibility for Services.	§271.51. Eligibility for Services.
§48.2902. Income and Income Eligibles.	§271.53. Income and Income Eligibles.
§48.2903. Determination of Countable Income.	§271.55. Determination of Countable Income.
§48.2904. Income from Excludable Sources.	§271.57. Income from Excludable Sources.
§48.2905. Income from Exempt Sources.	§271.59. Income from Exempt Sources.
§48.2906. Age.	§271.61. Age.
§48.2907. Need.	§271.63. Need.
§48.2908. Indian-related Exemptions.	§271.65. Indian-related Exemptions.
§48.2910. Service Availability.	§271.67. Service Availability.
§48.2911. Family Care.	§271.69. Family Care.
§48.2912. Home-Delivered Meals.	§271.71. Home-Delivered Meals.
§48.2913. Adult Foster Care.	§271.73. Adult Foster Care.
§48.2914. Special Services to Persons with Disabilities.	§271.75. Special Services to Persons with Disabilities.
§48.2915. Day Activity and Health Services.	§271.77. Day Activity and Health Services.
§48.2917. Case Management Services.	§271.79. Case Management Services.
§48.2918. Primary Home Care or Community Attendant Services.	§271.81. Primary Home Care or Community Attendant Services.
§48.2919. Time Allocation for Escort Services.	§271.83. Time Allocation for Escort Services.
§48.2920. Residential Care.	§271.85. Residential Care.
§48.2921. Emergency Care.	§271.87. Emergency Care.
§48.2922. Resource Limits.	§271.89. Resource Limits.
§48.2923. Countable Resources.	§271.91. Countable Resources.
§48.2924. Resource Exclusions.	§271.93. Resource Exclusions.
§48.2928. Emergency Response Services.	§271.95. Emergency Response Services.
§48.2929. Residential Care Services.	§271.97. Residential Care Services.
Subchapter I. Case Management.	Subchapter D. Case Management.
§48.3901. Application for Services.	§271.151. Application for Services.
§48.3902. Recertification.	§271.153. Recertification.

§48.3903. Denial, Reduction, and Termination of Benefits.	§271.155. Denial, Reduction, and Termination of Benefits.
§48.3904. Special Casework Procedures for Adult Foster Care.	§271.157. Special Casework Procedures for Adult Foster Care.
§48.3905. Adult Foster Care Client Rights and Responsibilities.	§271.159. Adult Foster Care Client Rights and Responsibilities.
§48.3906. Adult Foster Care Personal Needs and Medical Expenses Allowance.	§271.161. Adult Foster Care Personal Needs and Medical Expenses Allowance.