

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 4, Rights and Protection of Individuals Receiving Intellectual Disability Services, Subchapter K, Criminal History and Registry Clearances, and Subchapter L, Abuse, Neglect, and Exploitation in Local Authorities and Community Centers are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 301, IDD-BH Contractor Administrative Functions, Subchapter L, Criminal History and Registry Clearances in Local Intellectual and Developmental Disability Authorities, and Subchapter M, Abuse, Neglect, and Exploitation in Local Authorities and Community Centers.

The rules will be transferred in the Texas Administrative Code effective May 31, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 4, Subchapters K and L

TRD-202401717

Texas Health and Human Services Commission

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 4, Rights and Protection of Individuals Receiving Intellectual Disability Services, Subchapter K, Criminal History and Registry Clearances, and Subchapter L, Abuse, Neglect, and Exploitation in Local Authorities and Community Centers are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 301, IDD-BH Contractor Administrative Functions, Subchapter L, Criminal History and Registry Clearances in Local Intellectual and Developmental Disability Authorities, and Subchapter M, Abuse, Neglect, and Exploitation in Local Authorities and Community Centers.

The rules will be transferred in the Texas Administrative Code effective May 31, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 4, Subchapters K and L

TRD-202401718

Figure: 40 TAC Chapter 4, Subchapters K and L

Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 4. Rights And Protection Of Individuals Receiving Intellectual Disability Services	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 301. IDD-BH Contractor Administrative Functions
Subchapter K. Criminal History And Registry Clearances	Subchapter L. Criminal History And Registry Clearances in Local Intellectual and Developmental Disability Authorities
§4.501. Purpose.	§301.601. Purpose.
§4.502. Application.	§301.603. Application.
§4.503. Definitions.	§301.605. Definitions.
§4.505. Prohibition to Employment or Contractual or Volunteer Status.	§301.607. Prohibition to Employment or Contractual or Volunteer Status.
§4.507. Conducting Criminal History and Registry Checks.	§301.609. Conducting Criminal History and Registry Checks.
§4.509. Self-Reporting a Criminal Offense Charge or Conviction.	§301.611. Self-Reporting a Criminal Offense Charge or Conviction.
§4.511. MRA and Community Center Policies Related to Criminal History and Registry Checks.	§301.613. LIDDA and Community Center Policies Related to Criminal History and Registry Checks.
§4.513. Contract Agency.	§301.615. Contract Agency.
Subchapter L. Abuse, Neglect, And Exploitation In Local Authorities And Community Centers	Subchapter M. Abuse, Neglect, And Exploitation In Local Authorities And Community Centers
§4.551. Purpose.	§301.651. Purpose.
§4.552. Application.	§301.653. Application.
§4.553. Definitions.	§301.655. Definitions.
§4.554. Responsibilities of Local Authorities, Community Centers, and Contractors.	§301.657. Responsibilities of Local Authorities, Community Centers, and Contractors.
§4.555. Information To Be Provided to Victim or Alleged Victim and Others.	§301.659. Information To Be Provided to Victim or Alleged Victim and Others.
§4.556. Investigations Conducted by the Texas Department of Protective and Regulatory Services (TDPRS).	§301.661. Investigations Conducted by the Texas Department of Family and Protective Services (DFPS).
§4.557. Disciplinary and Other Action.	§301.663. Disciplinary and Other Action.
§4.558. Data Reporting Responsibilities.	§301.665. Data Reporting Responsibilities.
§4.559. Confidentiality of Investigative Process and Report.	§301.667. Confidentiality of Investigative Process and Report.
§4.560. Competency of Employees and Agents.	§301.669. Competency of Employees and Agents.
§4.561. TDMHMR Oversight Responsibilities.	§301.671. HHSC Oversight Responsibilities.
§4.562. Exhibits.	§301.673. Exhibits.
§4.563. References.	§301.675. References.
§4.564. Distribution.	§301.677. Distribution.

