

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 Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re Adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code:

Chapter 392, Purchase of Goods and Services for Specific Health and Human Services Commission Programs

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 392, Purchase of Goods and Services for Specific Health and Human Services Commission Programs, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 392" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*:

The text of the chapter being reviewed will not be published, but may be found in Title 1, Part 15, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202401420

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 8, 2024



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re Adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 355, Epilepsy Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 355, Epilepsy Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to epilepsy@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 355" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*:

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at (www.sos.texas.gov).

TRD-202401421

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 8, 2024



Texas Department of Criminal Justice

Title 37, Part 6

The Texas Board of Criminal Justice (board) files this notice of intent to review §151.77, Purchasing and Contracting with Historically Underutilized Businesses; §155.21, Naming of a Texas Department of Criminal Justice Owned Facility; §163.3 Objectives; §163.5 Waiver to Standards; §163.25 Strategic Plan; and §195.71, Drug and Alcohol Testing Program. This review is conducted pursuant to Texas Government Code §2001.039.

An assessment will be made by the board as to whether the reasons for re Adopting these rules continue to exist. The rules will be reviewed to determine whether to readopt, readopt with amendments, or repeal the rule.

Comments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogcomments@tdej.texas.gov. Written comments from the general public must be received within 30 days of the publication of this notice in the *Texas Register*:

TRD-202401437

Kristen Worman
General Counsel
Texas Department of Criminal Justice
Filed: April 9, 2024



Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of Aging and Disability Services, proposes to review and consider for reoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 40, Part 1, of the Texas Administrative Code:

Chapter 9, Intellectual Disability Services--Medicaid State Operating Agency Responsibilities

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 9, Intellectual Disability Services--Medicaid State Operating Agency Responsibilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 9" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 40, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202401431
Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services
Filed: April 8, 2024



Adopted Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code:

Chapter 356, Medicaid and CHIP Electronic Health Information

Notice of the review of this chapter was published in the January 5, 2024, issue of the *Texas Register* (49 TexReg 61). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 356 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 356. Any amendments, if applicable, to Chapter 356 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 356 as required by the Texas Government Code §2001.039.

TRD-202401433
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: April 9, 2024



Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 103, Health and Safety, Subchapter AA, Commissioner's Rules Concerning Physical Fitness; Subchapter BB, Commissioner's Rules Concerning General Provisions for Health and Safety; Subchapter CC, Commissioner's Rules Concerning Safe Schools; and Subchapter DD, Commissioner's Rules Concerning Video Surveillance of Certain Special Education Settings, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 103, Subchapters AA-DD, in the December 22, 2023 issue of the *Texas Register* (48 TexReg 8003).

Relating to the review of 19 TAC Chapter 103, Subchapters AA-DD, the TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. The TEA received no comments related to this review.

This concludes the review of 19 TAC Chapter 103.

TRD-202401404
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: April 3, 2024



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 13, Health Planning and Resource Development

Notice of the review of this chapter was published in the February 2, 2024, issue of the *Texas Register* (49 TexReg 571). HHSC received 2 comments concerning this chapter. A summary of comments and HHSC's responses follow.

Comment: One commenter suggests the amending Subchapter B Data Collection and Subchapter D Limited Liability Certification, to update statutory references and changing rules to reflect technological advances and changes to programmatic operations. Commenter suggests deferring any rule changes until after December 1, 2024, when the House Bill 1 of the 88th Texas Legislature, Regular Session, 2023, includes Article IX, Section 17.34 Charity Care and Hospital Transparency report has been published.

Response: DSHS agrees with this comment. The language in the rules can be updated in order to clarify responsibilities and deadlines for both program and hospital. The Charity Care and Hospital Transparency report will include recommendations for improving relevant hospital reporting and any recommended changes to the program.

Comment: Commenter suggests that current rules in Subchapter G, §13.82 are more restrictive than the statute and prevent qualified entities from being considered as eligible applicants. Commenter also requests that the application and reporting processes be streamlined.

Response: DSHS agrees with this comment. The statutory language does not prohibit any entity from applying and only says that the grant program shall fund innovative approaches for reducing violence against nurses in specific settings. DSHS can also examine the rules for opportunities to modify the program that may lead to more streamlined processes. The Texas Center for Nursing Workforce Studies plans to make revisions in a future rulemaking project.

HHSC and DSHS have reviewed Chapter 13 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agencies determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 13. Any amendments, if applicable, to Chapter 13 identified by HHSC and DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and DSHS' review of 25 TAC Chapter 13 as required by the Texas Government Code §2001.039.

TRD-202401401
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: April 3, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services, adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code:

Chapter 135, Ambulatory Surgical Centers

Notice of the review of this chapter was published in the February 9, 2024, issue of the *Texas Register* (49 TexReg 721). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 135 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 135. Any amendments, if applicable, to Chapter 135 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 135 as required by the Texas Government Code §2001.039.

TRD-202401402
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: April 3, 2024



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code:

Chapter 746, Minimum Standards for Child-Care Centers

Notice of the review of this chapter was published in the January 12, 2024, issue of the *Texas Register* (49 TexReg 150). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 746 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 746. Any amendments or repeals to Chapter 746 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 746 as required by the Texas Government Code §2001.039.

TRD-202401408
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: April 4, 2024



Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of Aging and Disability Services (DADS), adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code:

Chapter 40, Use of General Revenue for Services Exceeding the Individual Cost Limit of a Waiver Program

Notice of the review of this chapter was published in the January 5, 2024, issue of the *Texas Register* (49 TexReg 62). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 40 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 40. Any amendments, if applicable, to Chapter 40 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 40 as required by the Texas Government Code §2001.039.

TRD-202401430
Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services
Filed: April 8, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of Aging and Disability Services (DADS), adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code:

Chapter 43, Service Responsibility Option

Notice of the review of this chapter was published in the January 5, 2024, issue of the *Texas Register* (49 TexReg 62). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 43 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to ex-

ist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 43. Any amendments, if applicable, to Chapter 43 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 43 as required by the Texas Government Code §2001.039.

TRD-202401409

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: April 4, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code (TAC):

Chapter 96, Certification of Long-Term Care Facilities

Notice of the review of this chapter was published in the February 9, 2024, issue of the *Texas Register* (49 TexReg 722). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 96 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 96. Any amendments, if applicable, to Chapter 96 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 96 as required by the Texas Government Code §2001.039.

TRD-202401432

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: April 8, 2024

