

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 Department of Licensing and Regulation

Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) files this Notice of Intent to Review to consider for re-adoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 16, Part 4, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

- Chapter 55, Rules for Administrative Services
- Chapter 61, Combative Sports
- Chapter 65, Boilers
- Chapter 66, Registration of Property Tax Consultants
- Chapter 67, Auctioneers
- Chapter 68, Elimination of Architectural Barriers
- Chapter 74, Elevators, Escalators, and Related Equipment
- Chapter 75, Air Conditioning and Refrigeration
- Chapter 77, Service Contract Providers and Administrators
- Chapter 83, Barbers and Cosmetologists
- Chapter 87, Used Automotive Parts Recyclers
- Chapter 94, Property Tax Professionals

During the review, the Department will assess whether the reasons for adopting or readopting the rules in these chapters continue to exist. The Department will review each rule to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current Department procedures. This review is required every four years.

Written comments regarding the review of these chapters may be submitted electronically on the Department's website at <https://ga.tdlr.texas.gov:1443/form/gcerules> (select the appropriate chapter name for your comment); by facsimile to (512) 475-3032; or by mail to Shamica Mason, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication of this notice in the *Texas Register*.

No changes to the rules in these chapters are being proposed at this time. If the Department determines that changes to the rules are necessary as a result of this rule review, the proposed changes will be published in the Proposed Rules section of the *Texas Register* and will be

open for public comment before final adoption by the Texas Commission of Licensing and Regulation, the Department's governing body, in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202602346
Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Filed: June 9, 2026



Texas State Board of Pharmacy

Title 22, Part 15

The Texas State Board of Pharmacy files this notice of intent to review Chapter 281 (§§281.1 - 281.23, 281.30 - 281.35, 281.60 - 281.70), concerning Administrative Practices and Procedures, pursuant to Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. The deadline for comments is 30 days after publication in the *Texas Register*.

TRD-202602345
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: June 9, 2026



The Texas State Board of Pharmacy files this notice of intent to review Chapter 311 (§311.1 and §311.2), concerning Code of Conduct, pursuant to Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. The deadline for comments is 30 days after publication in the *Texas Register*.

TRD-202602347
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: June 9, 2026

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Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, and Subchapter C, Texas Certificate of High School Equivalency, pursuant to Texas Government Code, §2001.039. The State Board of Education (SBOE) proposed the review of Chapter 89, Subchapters A and C, in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1312).

The SBOE finds the reasons for adopting Chapter 89, Subchapters A and C, continue to exist and readopts the rules.

The SBOE received comments related to the review of Subchapters A and C. Following are the comments received and the corresponding responses.

Subchapter A. Gifted/Talented Education

Comment: One parent expressed support for reviewing and adopting Chapter 89, Subchapter A, stating that it provides clear and necessary guidance supporting statutory alignment, gifted/talented program compliance, and transparency for educators and parents.

Response: The SBOE agrees.

Comment: One Texas administrator commented seeking clarification of §89.1 regarding the relevance of gifted/talented identification at the secondary level, stating that identification in grades 9–12 may be unnecessary given expanded access to advanced coursework and suggesting identification is more appropriate at the elementary or K–8 level.

Response: The SBOE disagrees with limiting identification to earlier grades. Maintaining identification through grade 12 under 19 TAC §89.1 ensures continued access to gifted and talented services for students whose advanced abilities emerge during secondary coursework and supports appropriate placement and access to advanced learning opportunities across Texas.

Comment: Two Texas administrators commented that while the 30-hour foundational professional learning requirement is important, the requirement to complete the training within one semester is not sustainable given current workforce realities, citing challenges for alternative certification teachers, limited relevance for already certified G/T educators, and insufficient applicability at the high school level.

Response: The SBOE disagrees with eliminating the professional learning requirements in 19 TAC §89.2, which provides a statewide framework for educators serving gifted and talented students. Concerns raised relate to implementation rather than the rule itself. Targeted updates may address these concerns while preserving required professional learning. The SBOE encourages collaboration with local districts and may provide technical assistance as appropriate.

Comment: Two Texas parents commented that inconsistent gifted/talented services and insufficient enforcement of Chapter 89, Subchapter A, have resulted in reduced instructional time and negative impacts on students.

Response: The SBOE clarifies that Chapter 89 establishes minimum requirements for identification and services, while districts are responsible for local implementation in accordance with statute, rule, and the Texas State Plan, and emphasizes the importance of consistent, high-quality services for identified students.

Comment: Four parents and the Gifted Education Family Network of Texas requested amendments to §89.5 to increase transparency and clarify reporting requirements by requiring districts to maintain records of annual compliance certifications and make those records accessible to parents and stakeholders to verify compliance with the Texas State Plan for the Education of Gifted/Talented Students, noting that the changes would not create additional costs or reporting burdens.

Response: The SBOE appreciates the recommendation related to transparency and accountability. Current provisions in 19 TAC §89.5 require districts to implement and monitor gifted/talented programs in alignment with the Texas State Plan for the Education of Gifted/Talented Students and applicable accountability requirements, including maintaining documentation to demonstrate compliance. The SBOE will consider this feedback in future guidance and rule reviews.

Comment: One Texas administrator commented that while current provisions are necessary to support gifted/talented services, Chapter 89, Subchapter A, lacks sufficient measurable accountability and recommended strengthening accountability to require districts to demonstrate outcomes aligned with program requirements and state funding.

Response: The SBOE clarifies that Chapter 89, Subchapter A, establishes requirements aligned with the Texas State Plan, while accountability is addressed through existing state systems.

Subchapter C. Texas Certificate of High School Equivalency

Comment: One Texas Administrator commented seeking clarification regarding the continued need for a general education development (GED), citing expanded access to charter schools, alternative accountability campuses, and dropout recovery programs, and expressing concern that the GED is not realistically attainable for students with individualized education programs that include instructional modifications.

Response: The SBOE disagrees that the Texas Certificate of High School Equivalency (GED) is no longer needed. Texas Education Code (TEC) §7.111 requires the State Board of Education to adopt rules governing the development and delivery of high school equivalency examinations.

TRD-202602326

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: June 8, 2026

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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 (TAC):

Chapter 511, Limited Services Rural Hospitals

Notice of the review of this chapter was published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1175).

HHSC received four comments concerning this chapter from the Texas Society of Anesthesiologists. A summary of comments and HHSC's responses follows.

Comment: The commenter recommends amending §511.56(d) to clarify that a registered nurse without a nurse anesthetist certification may only administer certain anesthetic medication under the orders of a physician or dentist by removing the phrase "or other authorized practi-

tioner." The commenter references Texas Occupations Code §157.001 as the rationale for this recommendation.

Response: HHSC acknowledges this comment but declines to modify the rule in response. HHSC determined that this request may impact multiple stakeholder groups. In addition, the Regulatory Services Division of HHSC will review the limited services rural hospital (LSRH) rules again as part of its current regulatory reform initiative. As with all rulemaking efforts, the public will have an opportunity to review and comment on future proposed rules.

Comment: The commenter recommends amending §511.56(e) to include dentists as additional medical professionals who may be consulted prior to the administration of anesthesia before a procedure.

Response: HHSC acknowledges this comment but declines to modify the rule in response. HHSC must determine whether the requested change aligns with standard practices across provider and facility types. In addition, the Regulatory Services Division of HHSC will review the LSRH rules again as part of its current regulatory reform initiative. As with all rulemaking efforts, the public will have an opportunity to review and comment on future proposed rules.

Comment: The commenter recommends amending §511.56(f) to add the American Academy of Anesthesiologist Assistants to the list of professional association guidelines that an LSRH must consider when establishing licensing rules and standards for qualified to anesthesia professionals.

Response: HHSC acknowledges this comment but declines to modify the rule until HHSC verifies the association guidelines are consistent with the industry standards of the other organizations on the list. In addition, the Regulatory Services Division of HHSC will review the LSRH rules again as part of its current regulatory reform initiative. As with all rulemaking efforts, the public will have an opportunity to review and comment on future proposed rules.

Comment: The commenter recommends amending §511.56(l)(3) to clarify the language related to pulse oximetry by replacing "a mechanism for monitoring blood oxygenation, such as pulse oximetry;" with "continuous pulse oximetry and capnography monitoring for moderate and deep sedation" to align the existing rule with best practices within the anesthesia specialty.

Response: HHSC acknowledges this comment but declines to modify the rule in response. HHSC determined the update may be too prescriptive and inconsistent with industry standards of practice. In addition, the Regulatory Services Division of HHSC will review the LSRH rules again as part of its current regulatory reform initiative. As with all rulemaking efforts, the public will have an opportunity to review and comment on future proposed rules.

HHSC has reviewed Chapter 511 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 511. Any amendments, if applicable, to Chapter 511 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 511 as required by Texas Government Code §2001.039.

TRD-202602316

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 8, 2026

