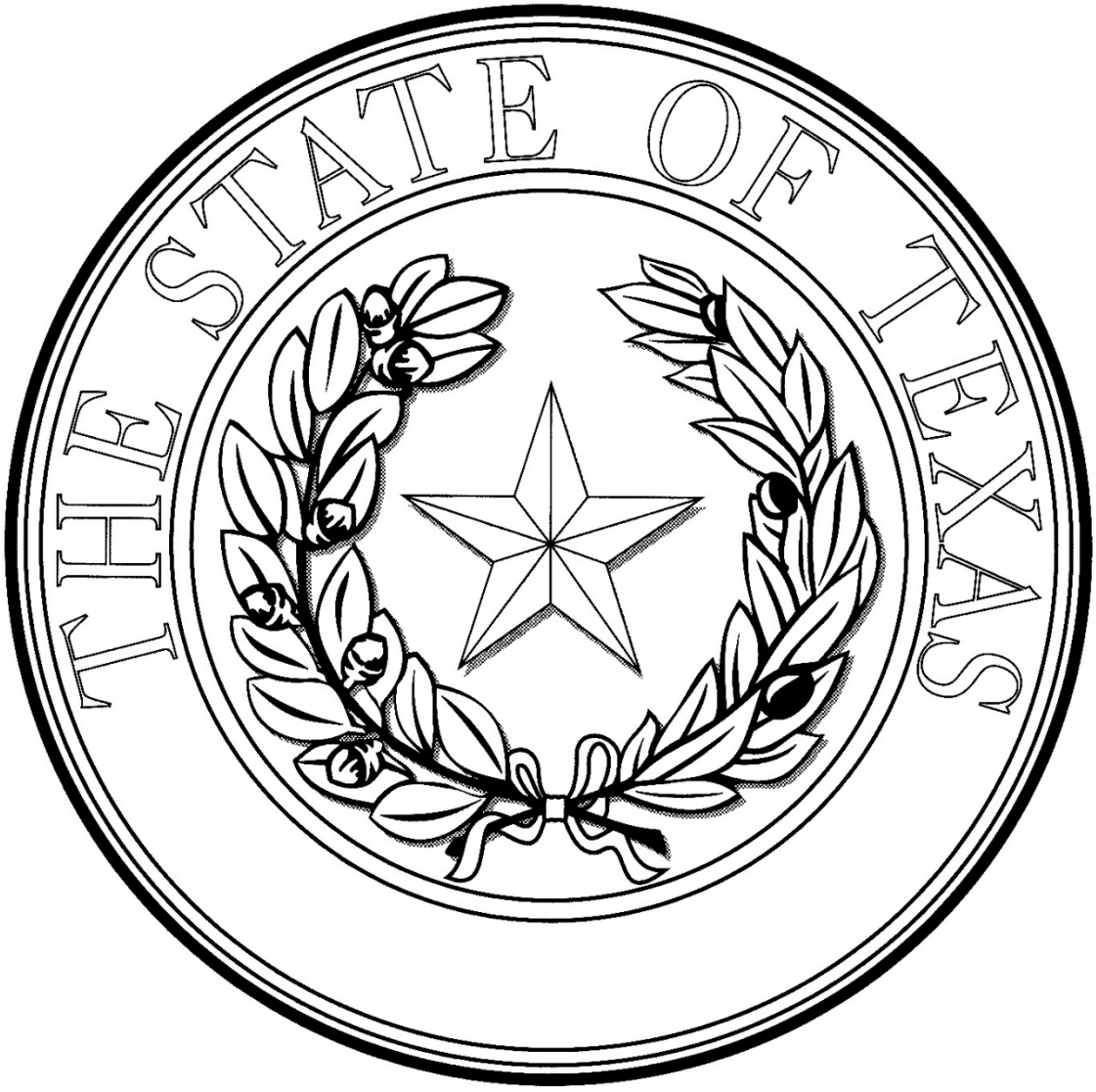
TEXAS REGISTER

Volume 51 Number 28 *July 10, 2026* *Pages 4411 - 4624*



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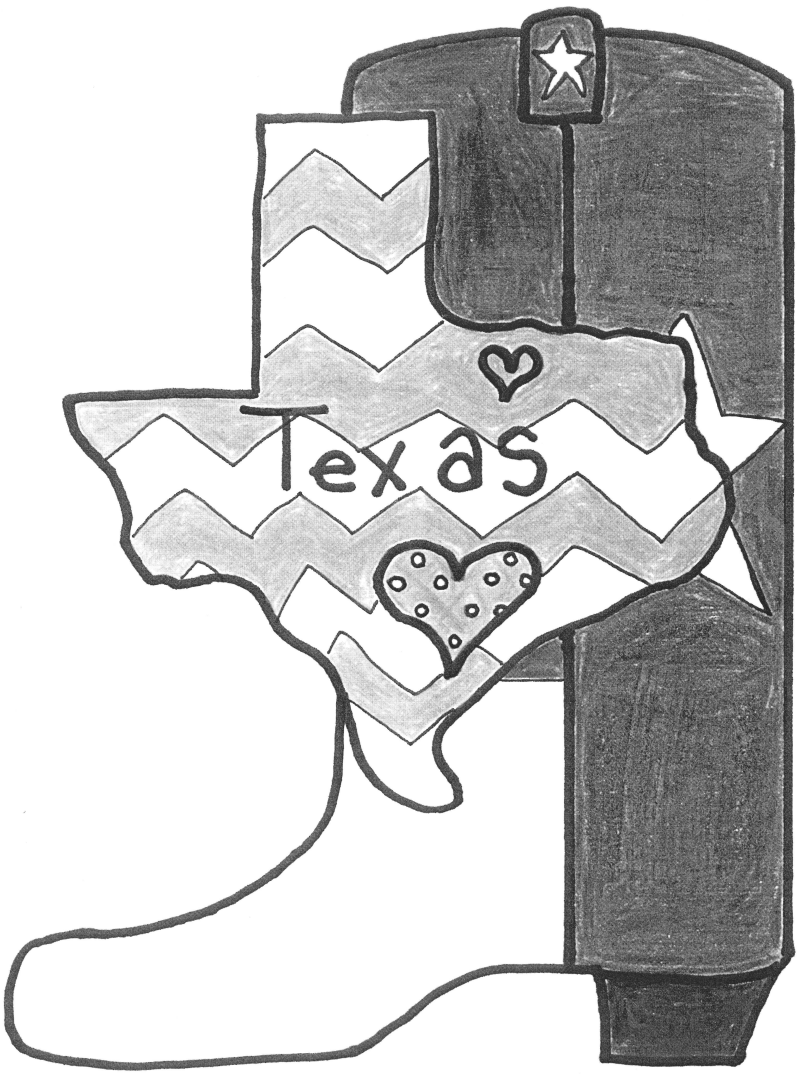
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Texas

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.

Appointments

Appointments for June 24, 2026

Appointed to the One-Call Board of Texas for a term to expire August 31, 2026, John D. Mason of Dallas, Texas (replacing George Spencer of The Hills whose term expired).

Appointments for June 29, 2026

Appointed as the Presiding Judge of the Second Administrative Judicial Region for a term to expire four years from the date of qualification Robert H. Trapp of The Woodlands, Texas (Judge Trapp is being reappointed).

Appointed as the Director of the Office of State-Federal Relations for a term to expire at the pleasure of the Governor, Sean T. Mason of Austin, Texas (replacing Thomas W. "Wes" Hambrick of Houston).

Appointments for June 30, 2026

Appointed to the Jobs and Education for Texans Grant Program Advisory Board for a term to expire June 19, 2027, Robert C. Uhl of Farmers Branch, Texas (Mr. Uhl is being reappointed).

Appointments for July 1, 2026

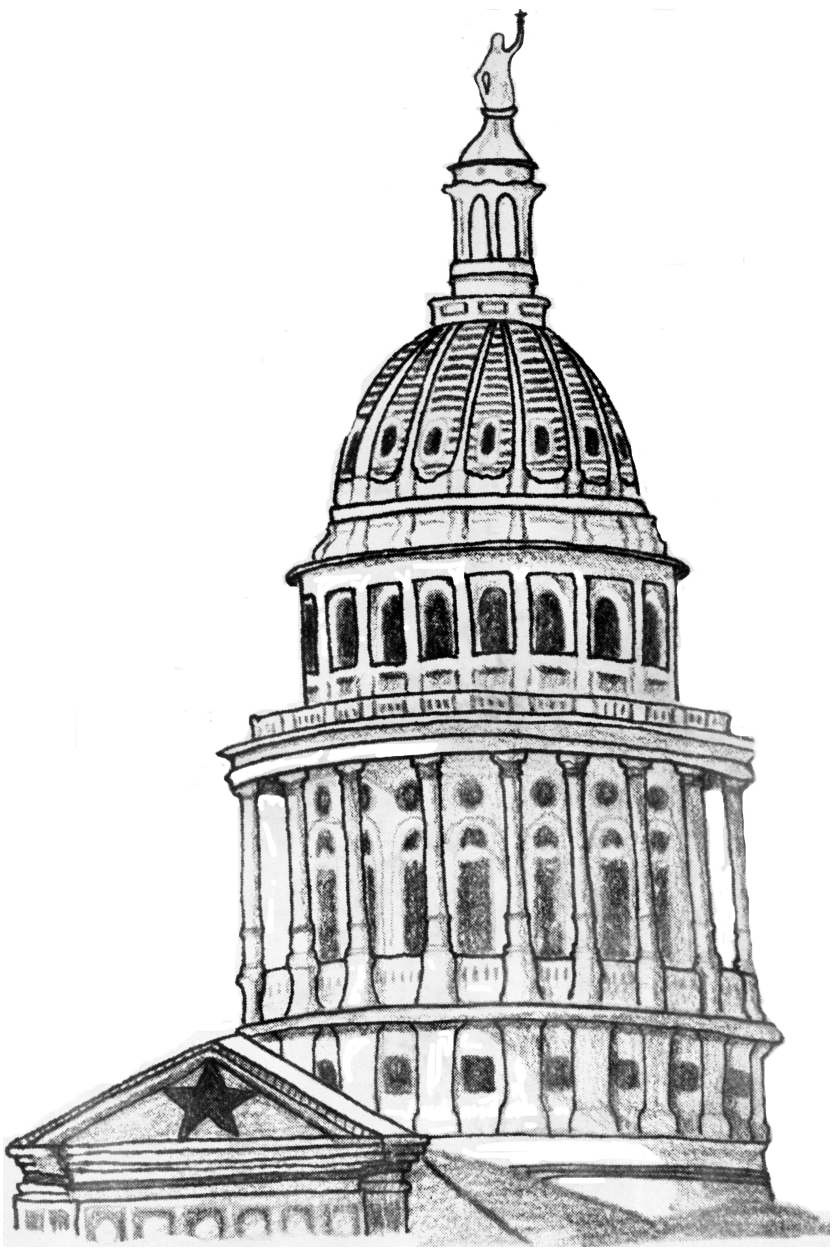
Appointed to the State Commission on Judicial Conduct for a term to expire December 31, 2027, Martin "Ringo" Deleon, Jr. of Corpus Christi, Texas.

Appointed to the Southern Regional Education Board for a term to expire June 30, 2030, Michael H. "Mike" Morath of Austin, Texas (Commissioner Morath is being reappointed).

Greg Abbott, Governor

TRD-202602700

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THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at https://www.texas.attorneygeneral.gov/attorney-general-opinions. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: https://www.texasattorneygeneral.gov/attorney-general-opinions.)

Opinions

Opinion No. KP-0521

The Honorable Kevin Sparks

Chair, Senate Committee on Natural Resources

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Whether the City of Austin's proposed energy code conflicts with Texas Utilities Code §181.903 (RQ-0600-KP)

S U M M A R Y

Subsection 181.903(b) of the Utilities Code prohibits the City of Austin from adopting or enforcing a code that has "the purpose, intent, or effect of directly or indirectly . . . discriminating against" a utility service based on the type or source of energy. As such, the City of Austin's Energy Code cannot lawfully memorialize opposition to the use of natural gas utility services and is invalid to the extent that it does so.

Opinion No. KP-0522

The Honorable Gary D. Trammel

Stephens County Attorney

200 West Walker, Room 206

Breckenridge, Texas 76424

Re: Miscellaneous questions regarding commissioners court authority over employees of local elected officials (RQ-0610-KP)

S U M M A R Y

Though it may be legally advisable, we find no statute that requires all county elected officials to publicly advertise for job openings in their offices.

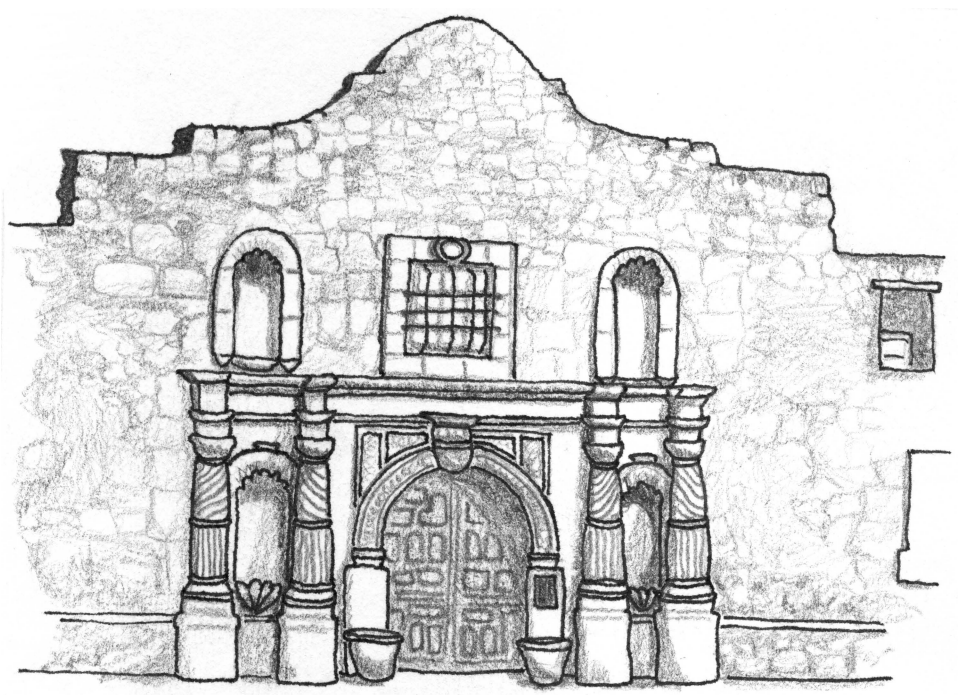
Whether any particular employment practice adopted by a commissioners court as to an elected official's employee is permissible depends on (1) whether the action taken is within the authority of the commissioners court and, if so, (2) whether the action usurps or unreasonably interferes with the performance of the elected official's constitutional or statutory duties.

A commissioners court must restrict the amount of time that an employee may contribute to and withdraw from a county sick leave pool as provided in chapter 157, subchapter E of the Local Government Code.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202602688
Justin Gordon
General Counsel
Office of the Attorney General
Filed: June 30, 2026

♦ ♦ ♦



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 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 153. SCHOOL DISTRICT PERSONNEL

SUBCHAPTER EE. COMMISSIONER'S RULES CONCERNING REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC SCHOOLS

19 TAC §153.1201, §153.1253

The Texas Education Agency is renewing the effectiveness of emergency amended §153.1201 and new §153.1253 for a 60-day period. The text of the emergency rule was originally published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 1933).

Filed with the Office of the Secretary of State on June 24, 2026.

TRD-202602588
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Original effective date: March 10, 2026
Expiration date: September 7, 2026
For further information, please call: (512) 475-1497

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TEXAS
Lone Star State

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 1. ADMINISTRATION

PART 8. TEXAS JUDICIAL COUNCIL

CHAPTER 171. REPORTING REQUIREMENTS

1 TAC §171.12

The Texas Judicial Council (Council) proposes new §171.12 regarding new reporting requirements imposed by Texas Government Code §71.0354.

Background and Justification

Texas Government Code §71.0354, enacted by HB 16, 89th Texas Legislature, 2nd Called Session (2025), took effect December 4, 2025, and requires county attorneys, district attorneys, and criminal district attorneys who represent the state in criminal matters before the district or other courts in the county (prosecuting attorneys) to report, in the form and manner prescribed by the Council, information on: (1) the categories of criminal offenses prosecuted by the prosecuting attorney and the number of criminal cases in each category; (2) the number of personnel employed by the prosecuting attorney and whether that number is sufficient to support the prosecutor's caseload; (3) the number of times a defendant was released as provided by Article 17.151, Code of Criminal Procedure; and (4) the number of electronic notices submitted by the prosecuting attorney to a court as required by Article 17.027(a)(2), Code of Criminal Procedure.

Although Texas Government Code §71.0354(b)(4) lists the submission of electronic notices by a prosecuting attorney to a court under Article 17.027(a)(2) of the Code of Criminal Procedure as an item to be reported to the Council, prosecuting attorneys are not required to submit notices under Article 17.027(a)(2); therefore, no information will be collected from prosecuting attorneys under this provision. In prescribing the information required to be submitted and the form and manner of submission, the Council consulted with the Texas District and County Attorneys Association and interested prosecutors and other persons as required by Texas Government Code §71.0354 (c).

The rule will take effect September 1, 2026 and the first report will be due on December 31, 2026.

Fiscal Impact on State and Local Government

Jennifer Henry, Chief Financial Officer of OCA, has determined that for each year of the first five-year period the new rules are in effect, there will be no fiscal implications for the state as a result of enforcing or administering the rules as proposed. There may be a cost to local governments to provide the data required by HB 16 due to implementation of procedures to collect the information required to be reported by Texas Government Code §71.0354(c); however, the fiscal impact cannot be determined because it will vary depending on the staffing levels of a prosecuting attorney's office and the office's ability to utilize existing data collection processes and systems to capture and report the required data.

Local Employment Impact Statement

Jennifer Henry has also determined that the proposed rules will not affect the local economy, so the Council is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

Public Benefit/Cost Note

Alejandra Peña, Director of Data and Research with OCA, has determined that for each year of the first five years the new rule is in effect, the public benefit anticipated as a result of the new rule will be: (1) clarity with respect to what is required by the prosecuting attorney reporting law, and (2) access to information regarding the workload of prosecuting attorneys' offices that will be useful to state and local officials and other interested parties for criminal justice policy making and fiscal planning.

Probable Economic Costs to Persons Required to Comply with Proposal

Jennifer Henry has determined that for each year of the first five-year period the proposed rules are in effect there may be an indeterminate fiscal impact on prosecuting attorneys' offices and, therefore, on counties, to comply with the new statutory requirements.

Fiscal Impact on Small Businesses, Micro Businesses, and Rural Communities

There will be no adverse effect on small businesses, micro businesses, or rural communities as a result of the proposed rules. Since the Council has determined that there is no adverse effect, the preparation of an economic impact statement and a regulatory flexibility analysis, as detailed under Texas Government Code §2006.002, is not required.

One-for-one Requirement for Rules with Fiscal Impact

While the proposed rule may fiscally impact local governments, the impact is indeterminate and will vary from county to county. Additionally, the rule is necessary to implement legislation; therefore, Texas Government Code §2001.0045 does not apply to the Council's adoption of the proposed rule.

Government Growth Impact Statement

Per Texas Government Code §2001.0221, the Council provides the following government growth impact statement. For each year of the first five years the proposed rule is in effect, the Council has determined that:

1. The proposed rule does not create or eliminate a government program.

2. Implementation of the proposed rule does not require the creation of new employee positions for OCA.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to OCA.

4. The proposed rule does not require an increase or decrease in fees paid to the OCA.

5. The proposed rule is a new rule and therefore creates a new regulation.

6. The proposed rule does not expand, limit, or repeal an existing regulation regarding reporting to OCA by prosecuting attorneys.

7. The proposed rule increases the number of individuals subject to the rule's applicability because the Council was not previously required to collect information from prosecuting attorneys.

8. The proposed rule does not positively or adversely affect the state's economy.

Takings Impact Assessment

The Council has determined that no private real property interests are affected by the proposed rules, and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not require a takings impact assessment under Texas Government Code §2007.043.

Environmental Rule Analysis

The Council has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Council asserts the proposed rules are not a "major environmental rule," as defined by Texas Government Code §2001.0225 and do not require the preparation of an environmental impact analysis.

Public Comment

Comments on the proposed rule and reporting instructions may be submitted to Alejandra Peña, Director of Data and Research, with OCA, at P.O. Box 12066, Austin, Texas 78711-2066 or electronically to reportingsection@txcourts.gov.

Statutory Authority and Sections Affected

The proposed rule is proposed pursuant to Government Code §71.019, the Council's general rulemaking authority, and implement the requirements imposed by Texas Government Code §71.0354.

No other statute, code, or article is affected by the proposed rule.

§171.12. Prosecuting Attorney Information.

(a) In this rule:

(1) "criminal case" means a case in which a criminal complaint, indictment, or information has been filed in a district or other court in the county;

(2) "OCA" means the Office of Court Administration; and

(3) "prosecuting attorney" has the meaning assigned in §71.0354(a) of the Government Code.

(b) Pursuant to §71.0354 (b) of the Government Code, each prosecuting attorney shall report, the following information to OCA:

(1) the number of offenses in each criminal case filed in each county served by the prosecuting attorney in each of the following categories:

(A) capital felony;

(B) 1st degree felony;

(C) 2nd degree felony;

(D) 3rd degree felony;

(E) state jail felony;

(F) class A misdemeanor;

(G) class B misdemeanor; and

(H) class C misdemeanor.

(2) on an annual basis, the number of personnel employed by the prosecuting attorney and whether that number is sufficient to support the prosecutor's caseload;

(3) the number of times a defendant was released pursuant to Article 17.151 of the Code of Criminal Procedure, regardless of whether an application for a writ of habeas corpus was filed, in each county served by the prosecuting attorney; and

(4) the number applications for a writ of habeas corpus under Code of Criminal Procedure Article 17.151 received by the prosecuting attorney in each county served by the prosecuting attorney.

(c) Unless otherwise stated, prosecuting attorneys must submit the information required to be reported under this rule on a quarterly basis in the manner required by OCA. Reports are due to OCA no later than the last day of the month following the end of the reporting period.

(d) Comments:

(1) The first quarterly reporting period under this rule is from September 1, 2026 through November 30, 2026. The first quarterly report (under §171.12(b) (1), (3), and (4)) and annual report (under §171.12(b)(2)) are due on December 31, 2026.

(2) Prosecuting attorneys are not required to submit electronic notices to a court under Article 17.027(a)(2) of the Code of Criminal Procedure; therefore, no information will be collected from prosecuting attorneys regarding the activity described by §71.0354(b)(4) of the Government Code.

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 June 29, 2026.

TRD-202602674
Maria Elena Ramon
General Counsel
Texas Judicial Council
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 463-1625

♦ ♦ ♦

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §1.1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter A, §1.1, concerning Dates for Regular Quarterly Meetings of the Board. Specifically, this amendment will streamline and clarify Board meeting requirements.

Texas Education Code, §61.027 provides the Coordinating Board with general rule making authority.

Rule 1.1, Dates for Regular Quarterly Meetings of the Board, is amended to allow the chair to change a meeting date at a time other than a quarterly meeting.

Doug Brock, General Counsel, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Doug Brock, General Counsel, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to streamline and clarify the Board meeting requirements. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Doug Brock, General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt rules.

The proposed amendment affects Texas Education Code, Section 61.027.

§1.1. Dates for Regular Quarterly Meetings of the Board.

Regular [~~quarterly~~] meetings of the [~~Coordinating~~] Board[~~, hereinafter referred to as the Board,~~] shall [~~will~~] be held on a quarterly basis. [~~in January, April, July, and October,~~] The chair may [~~with the understanding that the chair may at a regular quarterly meeting,~~] alter the date of a [~~subsequent~~] meeting.

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 June 26, 2026.

TRD-202602632
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 427-6271

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19 TAC §1.4

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter A, §1.4, concerning Rules of Order. Specifically, this repeal will align the rule to current practice and remove a requirement from rule that is more appropriate as an operating procedure.

Texas Education Code, §61.027, provides the Coordinating Board with general rule making authority.

Rule 1.4, Rules of Order, repeals a requirement that meetings are conducted using Robert's Rules of Order.

Doug Brock, General Counsel, has determined that for each of the first five years the sections are in effect would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Doug Brock, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to align the rule to current practice and remove a requirement from rule that is more appropriate as an operating procedure. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Doug Brock, General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to make rules.

The proposed repeal affects Texas Education Code, Section 61.027.

§1.4. Rules of Order.

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 June 26, 2026.

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Douglas Brock
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SUBCHAPTER B. DISPUTE RESOLUTION

19 TAC §§1.20 - 1.27, 1.30, 1.32 - 1.35, 1.40 - 1.48, 1.60 - 1.67

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter B, §§1.20 - 1.27, 1.30, 1.32 - 1.35, 1.40 - 1.48, and 1.60 - 1.67, concerning Dispute Resolution. Specifically, this repeal will allow for new, clearer, and better organized rules to be adopted.

Texas Education Code, §61.027, provides the Coordinating Board with general rule making authority.

Rules 1.20 - 1.27, 1.30, 1.32 - 1.35, 1.40 - 1.48, and 1.60 - 1.67, Dispute Resolution, will be repealed and replaced with new rules.

Doug Brock, General Counsel, has determined that for each of the first five years the sections are in effect would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Doug Brock, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be to replace the rules with a reorganized and clarified subchapter. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Doug Brock, General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to make rules.

The proposed repeal affects Texas Education Code, Section 61.027.

§1.20. Definitions.
§1.21. Scope and Purpose.
§1.22. Appointment of ADR Coordinator.
§1.23. Deadlines for Filing a Petition for Contested Case Status.
§1.24. Mandatory Contents of a Petition for Contested Case Status.
§1.25. Service of a Petition for Contested Case Status.
§1.26. Agency Determination Regarding Contested Case Status.
§1.27. Referral to ADR Coordinator.
§1.30. General Principles of Alternative Dispute Resolution.
§1.32. Selection of a Neutral Third Party.
§1.33. Developing Mediators within the Agency.
§1.34. Negotiated Settlements Must be in Writing.
§1.35. Partial Settlements through ADR.
§1.40. Agency Management of Contract Disputes.
§1.41. Definitions.
§1.42. Board Counterclaims.
§1.43. Request for Voluntary Disclosure of Additional Information.
§1.44. Duty to Negotiate.
§1.45. Negotiation Timetable.
§1.46. Conduct of Negotiations.
§1.47. Settlement Agreement.
§1.48. Request for Contested Case Hearing.
§1.60. State Office of Administrative Hearings.
§1.61. Classification of Parties.
§1.62. Notice of Hearing.
§1.63. Proposed Findings of Fact and Conclusions of Law.

§1.64. Default.
§1.65. Exceptions to Proposal for Decision.
§1.66. Board Meeting to Consider Proposal for Decision.
§1.67. Motion for Rehearing.

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 June 26, 2026.

TRD-202602635
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 427-6271

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19 TAC §§1.20 - 1.35

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter B, §§1.20 - 1.35, concerning Dispute Resolution. Specifically, this new subchapter will update, clarify, and reorganize the dispute resolution rules.

Texas Education Code, §61.027, provides the Coordinating Board with general rule making authority.

Rules 1.20 - 1.35, Dispute Resolution, will replace rules that are being repealed.

Doug Brock, General Counsel, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Doug Brock, General Counsel, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be to update, clarify, and reorganize the dispute resolution rules. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Doug Brock, General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to make rules.

The proposed new sections affect Texas Education Code, Section 61.027.

§1.20. Authority and Scope.

(a) This subchapter, along with applicable provisions of the Administrative Procedure Act (Texas Government Code, Chapter 2001), the Negotiated Rulemaking Act (Texas Government Code, Chapter 2008), the Governmental Dispute Resolution Act, (Texas Government Code, Chapter 2009), Texas Government Code, Chapter 2260, and the contested case hearings rules promulgated by the State Office of Administrative Hearings (1 TAC Chapter 155), shall govern all proceedings to which a party has been given a right to a hearing.

(b) The procedures contained in this subchapter in relation to contract disputes are exclusive and required prerequisites to suit under the Texas Civil Practice & Remedies Code, Chapter 107, and Texas Government Code, Chapter 2260.

§1.21. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

(1) Administrative Law Judge (ALJ)--The person appointed by the State Office of Administrative Hearings (SOAH) to hear a contested case.

(2) ADR--Alternative dispute resolution. A nonjudicial, informally conducted forum for the voluntary settlement of contested matters through the intervention of an impartial third party.

(3) Alternative Dispute Resolution Coordinator or ADR Coordinator--The agency employee appointed by the Commissioner to coordinate and oversee ADR procedures and mediators.

(4) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(5) Commissioner--The Commissioner of Higher Education.

(6) Contested Case Status--The condition that is established by a person who has a right to a contested case hearing, by the filing of a properly pled petition.

(7) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board and its staff.

(8) Mediator--The person appointed by the Board's ADR coordinator to preside over an ADR proceeding, regardless of which ADR method is used.

(9) Private mediator--A person in the profession of mediation who is not a Texas state employee and who has met all the qualifications prescribed by Texas law for mediators.

(10) SOAH--The State Office of Administrative Hearings.

§1.22. Appointment of an ADR Coordinator.

(a) The Commissioner shall appoint an ADR coordinator who shall complete the minimum training standards set forth in §154.052 of the Texas Alternative Dispute Resolution Procedures Act (TADR Act).

(b) The ADR coordinator shall have the responsibility:

(1) to maintain necessary agency records while maintaining the confidentiality of participants;

(2) to establish a method of choosing mediators who possess the minimum qualifications described in TADR Act, §154.052;

(3) to require mediators to adhere to a particular standard of conduct or code of ethics;

(4) to provide information about available ADR processes to agency employees, and to both potential and current users of the ADR program;

(5) to arrange training or education that may be necessary to implement adopted ADR processes; and

(6) to establish a system to evaluate the ADR program and the mediators or other facilitators that the agency has used.

§1.23. Deadlines for filing a Petition for Contested Case Status.

(a) If, in any matter in which a party is entitled to a contested case hearing, the affected party must file a written petition for contested case status within the timeframes below:

(1) in a contract dispute, no later than 180 days after the date of the event that the contractor asserts as the basis of the claim;

(2) for all other types of contested cases, 45 calendar days after the complained of decision, order, or ruling is rendered.

(b) If a party fails to file a petition for contested case status within these timeframes, the action taken by the Commissioner will become final, and the party will have failed to exhaust all available administrative remedies.

§1.24. Mandatory Contents of a Petition for Contested Case Status.

(a) A petition for contested case status shall contain the following:

(1) For a contract dispute:

(A) an explanation of the nature of the alleged breach of contract, including the date of the event that the contractor asserts as the basis of the claim, and each contractual provision allegedly breached;

(B) a description of damages that resulted from the alleged breach, including the amount and method used to calculate those damages; and

(C) the legal theory of recovery, i.e., breach of contract, including the causal relationship between the alleged breach and the damages claimed.

(D) In addition to the mandatory contents of the notice of claim as required herein, the contractor may submit supporting documentation or other tangible evidence to facilitate the agency's evaluation of the contractor's claim.

(E) A petition for contested case status in a contract dispute must contain sufficient identification of the parties and the nature of the dispute to allow the agency to determine that the basis of the claim is not an action of the Board for which the contractor is entitled to a specific remedy pursuant to state or federal constitution or statute. The following types of contracts shall not be subject to the provisions herein. A contract:

(i) between the Board and the federal government or its agencies, another state or another nation;

(ii) between the Board and two or more units of state government;

(iii) between the Board and a local governmental body, or a political subdivision of another state;

(iv) between a subcontractor and a contractor;

(v) subject to §201.112 of the Transportation Code;

(vi) within the exclusive jurisdiction of state or local regulatory bodies;

(vii) within the exclusive jurisdiction of federal courts or regulatory bodies.

(2) The petition must contain the signature of the contractor or the contractor's authorized representative.

(b) In all types of contested cases other than contract disputes:

(1) a description of the determination, decision, order, ruling, or failure to act that is being complained of;

(2) the date of the determination, decision, order, ruling, or failure to act;

(3) a statement of the facts of which petitioner is aware and which he or she believes to be true, that would lead to a reasonable conclusion that petitioner is entitled to the relief sought;

(4) the specific statute or rule which the petitioner believes entitles him or her to request a contested case status;

(5) a description of the action that the petitioner wants the Board to take on the petitioner's behalf; and

(6) the signature of the petitioner, or the petitioner's authorized representative.

(c) Nothing in this section requires that the petitioner plead in his or her petition all evidence that he or she may rely upon in a formal contested case hearing. However, all issues that the petitioner intends to raise in a formal contested case hearing must be sufficiently pled in the petition to put the respondent on notice of the nature of the complaint.

§1.25. Service in a Contested Case.

The Board designates the individuals listed below to receive requests for contested cases or subpoenas in contested cases on its behalf, through one of the methods authorized by the Texas Rules of Civil Procedure. A certificate evidencing service shall be included in the petition.

(1) For contract disputes, the Coordinating Board employee designated in the contract to receive a notice of claim of breach of contract under the Government Code, Chapter 2260; if no person is designated in the contract, the notice shall be delivered to the Assistant Commissioner for Contracts and Procurement;

(2) For all types of contested cases other than contract disputes, the petition shall be served upon the Commissioner.

§1.26. Agency Determination Regarding Contested Case Status.

(a) If the Coordinating Board finds that the contested case petition requirements set forth in §1.24 of this subchapter (relating to Mandatory Contents of a Petition for Contested Case Status), have been met, it shall notify the petitioner that he or she has established the right to a contested case.

(b) If the Coordinating Board finds that the contested case petition requirements set forth in §1.24 of this subchapter, have not been met, it shall notify the petitioner in writing that the petition fails to state properly a claim that entitles the petitioner a right to a hearing, and the

manner in which it failed. The petitioner may perfect the contested case petition no later than the later of the following:

(1) the deadline specified in §1.23 of this subchapter (relating to Deadlines for Filing a Petition for Contested Case Status); or

(2) 15 days after the receipt of notice that the pleading fails to state properly a claim that entitles the petitioner a right to a hearing.

(c) Failure by the petitioner to perfect the petition within the deadlines set forth in subsection (b) of this section shall result in the Coordinating Board dismissing the petition.

§1.27. Referral to ADR Coordinator.

(a) Contract disputes shall be referred to the agency's ADR coordinator to establish the negotiations schedule and to determine all interested parties to the negotiations;

(b) In cases other than contract cases, the parties may agree to engage in ADR, in which instance the case will be referred to the ADR coordinator.

§1.28. General Principles for Alternative Dispute Resolution.

The following principles shall apply in Alternative Dispute Resolution (ADR) implemented for contested cases:

(1) Any resolution reached as a result of the ADR procedure should be through the voluntary agreement of the parties.

(2) ADR procedures shall be consistent with Texas Government Code, Chapter 2009; Texas Government Code, Chapter 2008, Texas Civil Practices and Remedies Code, Chapter 154; and the Administrative Procedures Act; Texas Government Code, Chapter 2001.

(3) The parties shall negotiate in accordance with the timetable set forth in §1.32 of this subchapter (relating to the Negotiation Timetable), to attempt to resolve all claims and counterclaims. No party is obligated to settle with the other party as a result of the negotiation.

(4) Oral and written communications between the parties, and between the parties and the mediator, related to the ADR process, are confidential except to the extent they are subject to release under the Public Information Act or ordered to be released by a court of law.

(5) A final written agreement to which the Board is a signatory is subject to required disclosure, is excepted from disclosure, or is confidential, as provided by the TADR Act, §154.073, and other laws, including Texas Government Code, Chapter 552, and Texas Government Code, §2009.054(b).

(6) Agreements of the participants reached as a result of ADR must be in writing and fully executed and are enforceable in the same manner as any other written contract.

(7) Unless the parties agree otherwise, each party shall be responsible for its own costs incurred in connection with a negotiation, including, without limitation, the costs of attorney's fees, consultant's fees, expert's fees, and mediation costs.

§1.29. Mediators.

(a) For each matter referred for ADR procedures, the ADR coordinator may appoint a governmental officer, an agency employee, a qualified mediator who is an employee of another governmental entity, or a qualified private mediator for an ADR procedure.

(b) All Mediators:

(1) shall be qualified as required by Texas Civil Practices and Remedies Code, §154.05;

(2) are subject to the standards and duties described in Texas Civil Practices and Remedies Code, §154.053;

(3) shall maintain confidentiality as described in Texas Civil Practices and Remedies Code, §154.073, and Texas Government Code, §2009.054;

(4) shall not testify in proceedings relating to or arising out of the matter in dispute; and

(5) shall follow the ethical guidelines for mediators adopted by the ADR Section of the State Bar of Texas.

(c) If all the participants agree upon the use of a private mediator, a private mediator may be hired for agency ADR procedures provided that:

(1) the participants unanimously agree to the selection of the person to serve as the mediator;

(2) the mediator agrees to be subject to the direction of the commission's ADR coordinator and to all time limits imposed by the coordinator, the ALJ, if applicable, and all statutes or regulations that apply;

(3) the participants unanimously agree upon the manner in which costs for the services of the mediator will be apportioned among the participants; and

(4) fees are paid directly to the mediator.

(e) To the extent practicable, the Board shall establish a pool of staff mediators to resolve contested cases through ADR procedures.

(f) A party may object to the person appointed to serve as the mediator.

§1.30. Board Counterclaims.

(a) If the agency asserts a counterclaim under the Government Code, Chapter 2260, notice of the counterclaim shall be filed as provided by this section.

(b) The notice of counterclaim shall:

(1) be in writing;

(2) be delivered by email, hand delivery, or certified mail, return receipt requested, to the contractor or representative of the contractor who signed the petition for contested case status; and

(3) state in detail:

(A) the nature of the counterclaim;

(B) a description of damages or offsets sought, including the amount and method used to calculate those damages or offsets; and

(C) the legal theory supporting the counterclaim.

(c) The agency may submit supporting documentation or other tangible evidence to facilitate the contractor's evaluation of the agency's counterclaim.

(d) The notice of counterclaim shall be delivered to the contractor no later than 60 days after the agency's receipt of the contractor's petition for contested case status.

(e) Nothing herein precludes the Board from initiating a lawsuit for damages against the contractor in a court of competent jurisdiction.

§1.31. Request for Voluntary Disclosure of Additional Information.

(a) Upon the filing of a claim or counterclaim, the parties may request to review and copy, without limitation, the following information that may be in the possession or custody, or that is subject to the control of the other party, and that pertains to the contract claimed to

have been breached, regardless of the manner in which the information is recorded, including paper and electronic media:

(1) accounting records;

(2) correspondence, including, without limitation, correspondence between the Board and outside consultants it utilized in preparing its bid solicitation or any part thereof or in administering the contract, and correspondence between the contractor and its subcontractors, agents, and vendors;

(3) schedules;

(4) the parties' internal memoranda; and

(5) documents created by the contractor in preparing its offer to the Board and documents created by the Board in analyzing the offers it received in response to a solicitation.

(b) The contractor and the agency may seek additional information directly from third parties, including, without limitation, third-party consultants, and the contractor's subcontractors.

(c) Nothing in this section requires any party to disclose the requested information or any matter that is privileged under Texas law. Material submitted pursuant to this subsection and claimed to be confidential by the contractor shall be handled pursuant to the requirements of the Public Information Act.

(d) Material submitted pursuant to this subsection and claimed to be confidential by the contractor shall be handled pursuant to the requirements of the Public Information Act.

§1.32. Negotiation Timetable.

(a) After the Coordinating Board has determined that the petition for contested case status contains all essential requirements under §1.24 of this subchapter (relating to Mandatory Contents of a Petition for Contested Case Status), the Coordinating Board shall review the contractor's claim(s) and the Board's counterclaim(s), if any, and, with appropriate assistance from the agency's ADR coordinator, shall initiate negotiations with the contractor to attempt to resolve the claim(s) and counterclaim(s).

(b) The parties shall begin negotiations within a reasonable period of time, not to exceed 120 days following the receipt of the claim.

(c) The parties may conduct negotiations according to an agreed schedule as long as they begin negotiations no later than the deadlines set forth in subsection (b) of this section.

(d) Subject to subsection (e) of this section, the parties shall complete the negotiations that are required by this section as a prerequisite to a contractor's request for contested case hearing no later than 270 days after the agency receives the contractor's notice of claim.

(e) On or before the 270th day after the agency receives the contractor's petition for contested case status, the parties may agree in writing to extend the time for negotiations. The agreement shall be signed by a representative of each party, who has authority to bind the party, and shall provide for the extension of the statutory negotiation period until a date certain. The parties may enter into a series of written extension agreements that comply with the requirements of this section.

(f) The contractor may request a contested case hearing before the State Office of Administrative Hearings ("SOAH") pursuant to §1.34 of this subchapter (relating to Request for Contested Case Hearing), after the 270th day after the agency receives the contractor's petition for contested case status, or after the expiration of any extension agreed to under subsection (e) of this section, whichever is later.

(g) The parties may agree to mediate the dispute at any time before the 120th day after the agency receives the contractor's petition for contested case status, or before the expiration of any extension agreed to by the parties pursuant to subsection (e) of this section.

(h) Nothing in this subsection is intended to prevent the parties from agreeing to commence negotiations earlier than the deadlines established in subsections (b) and (c) of this section, or from continuing or resuming negotiations, or requesting mediation after the contractor requests a contested case hearing before SOAH.

§1.33. Settlement Agreement.

(a) A settlement agreement may resolve an entire claim or any designated and severable portion of a claim.

(b) To be enforceable, a settlement agreement must be in writing and signed by representatives of the parties who have authority to bind each party.

(c) Partial settlement does not waive a party's rights under the Government Code, Chapter 2260, as to the parts of the claims or counterclaims that are not resolved.

(d) When ADR procedures do not result in the full settlement of a contested case, the participants, in conjunction with the mediator, shall limit the contested issues through the entry of written stipulations. Such stipulations shall be forwarded or formally presented to the ALJ who is assigned to conduct the hearing.

§1.34. Request for a Contested Case Hearing in a Contract Case.

(a) If a claim for breach of contract is not resolved in its entirety through negotiation, mediation or other assisted negotiation process in accordance with this subchapter on or before the 270th day after the agency receives the notice of claim, or after the expiration of any extension agreed to by the parties pursuant to §1.32 of this subchapter (relating to Negotiation Timetable), the contractor may file a request with the agency for a contested case hearing before SOAH.

(b) A request for a contested case hearing shall state the legal and factual basis for the claim, and shall be delivered to the Commissioner or other Coordinating Board employee designated in the contract to receive notice within a reasonable time after the 270th day or the expiration of any written extension agreed to pursuant to §1.32 of this subchapter.

(c) The agency shall forward the contractor's request for contested case hearing to SOAH within a reasonable period of time, not to exceed thirty days, after receipt of the request.

(d) The parties may agree to submit the case to SOAH before the 270th day after the notice of claim is received by the agency if they have achieved a partial resolution of the claim or if an impasse has been reached in the negotiations and proceeding to a contested case hearing would serve the interests of justice.

§1.35. Contested Case Proceedings.

(a) Formal contested case hearings shall be conducted for the Board by SOAH, as authorized by Chapters 2001 and §2003.021 of the Texas Government Code and shall be governed by the Chapter 2001 of the Texas Government Code and SOAH rules, found at 1 Texas Administrative Code, Chapter 155.

(b) The Board shall consider the SOAH ALJ's Proposal for Decision and adopt a final order in a contested case no later than the next regularly scheduled Board meeting after the hearing is finally closed, if sufficient time remains before the meeting for the parties to receive proper notice.

(c) At least 15 days notice shall be given by the Commissioner to all parties to a hearing of the time and place of the Board meeting at which the Proposal for Decision will be considered 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 June 26, 2026.

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 427-6271

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SUBCHAPTER G. APPLY TEXAS ADVISORY COMMITTEE

19 TAC §1.134

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter G, §1.134, concerning Report to the Board. Specifically, this amendment will eliminate an unnecessary requirement imposed on the committee that is an agency-level duty.

Texas Education Code, §61.027, provides the Coordinating Board with general rule making authority and Texas Education Code, §51.762 addresses Apply Texas.

Rule 1.134, Report to the Board, is amended to remove an unnecessary requirement.

Brandon Griggs, Assistant Commissioner for College and Career Advising, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Brandon Griggs, Assistant Commissioner for College and Career Advising, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to eliminate an unnecessary requirement not mandated by statute. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Brandon Griggs, Assistant Commissioner for College and Career Advising, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt rules.

The proposed amendment affects Texas Education Code, Section 51.762.

§1.134. Report to the Board.

The co-chairs shall annually report any recommendations to the Board at a Board meeting determined in consultation with Board staff. [~~They shall also provide an annual report to the Board to allow it to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.~~]

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6226

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SUBCHAPTER I. FAMILY PRACTICE RESIDENCY ADVISORY COMMITTEE

19 TAC §1.148

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter I, §1.148, concerning Report to the Board; Evaluation of Committee Costs and Effectiveness. Specifically, this amendment will eliminate an unnecessary requirement imposed on the committee that is an agency-level duty.

Texas Education Code, §61.505 establishes the Family Practice Residency Advisory Committee.

Rule 1.148, Report to the Board; Evaluation of Committee Costs and Effectiveness, will be amended to remove an unnecessary requirement.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has determined that for each of the first five years the section is in effect there would be no fiscal implications

for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to eliminate an unnecessary requirement not mandated by statute. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to, Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt rules and Texas Education Code, Section 61.505, which establishes the Family Practice Residency Advisory Committee.

The proposed amendment affects Texas Education Code, Section 61.505.

§1.148. Report to the Board[; ~~Evaluation of Committee Costs and Effectiveness~~].

The committee [~~chairperson~~] shall report any recommendations to the Board on [~~no less than~~] an annual basis. [~~The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.~~]

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

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SUBCHAPTER J. FINANCIAL AID ADVISORY COMMITTEE

19 TAC §§1.149, 1.153 - 1.155

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter J, §1.149 and §§1.153 - 1.155, concerning Financial Aid Advisory Committee. Specifically, these amendments will reduce the scope of the advisory committee to more closely align with its original intent.

The Coordinating Board is authorized by Texas Education Code, §61.0776, to adopt rules relating to the Financial Aid Advisory Committee.

In reviewing its operations for efficiency and statutory alignment, the Coordinating Board identified activities associated with the Financial Aid Advisory Committee that are discretionary in nature, outside the committee's scope as prescribed in Texas Education Code, §61.0776, and which require substantial administrative resources to maintain. The proposed amendments are intended to promote administrative efficiency by re-aligning the committee's scope and activities with its initial intent, as described in statute.

Rule 1.149, Authority and Specific Purposes of the Financial Aid Advisory Committee, is amended by repealing subsection (b)(2), which describes purposes for the advisory committee that are supplementary to those described in its statute.

Rule 1.153, Meetings, is amended to establish meetings of the advisory committee to be as necessary, subject to the call of the presiding officer. This allows the committee, which currently meets quarterly in accordance with existing rule, to meet when there is a need to advise the Coordinating Board on matters within its scope, promoting efficiency by more clearly connecting the committee's benefits to the agency with the resources required to support its activities.

Rule 1.154, Tasks Assigned to the Committee, is amended by repealing subsection (b), which describes committee tasks that are supplementary to those described in its statute.

Rule 1.155, Report to the Board; Evaluation of Committee Costs and Effectiveness, is amended to limit the scope of the committee's required reporting to its recommendations. Reporting on costs and effectiveness, which are described in Texas Government Code, §2110.006 and §2110.007, are requirements of the Coordinating Board, not the committee itself, and accordingly are removed from the rules governing the committee.

Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in

costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be the improved efficiency by restoring the advisory committee to its intended scope. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed under Texas Education Code, Section 61.0776, which provides the Coordinating Board with the authority to adopt rules relating to the Financial Aid Advisory Committee.

The proposed amendments affect Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter J.

§1.149. Authority and Specific Purposes of the Financial Aid Advisory Committee.

(a) Authority. Statutory authority for this subchapter is provided in the Texas Education Code, §61.0776, and the Texas Government Code, Chapter 2110, §2110.0012.

(b) Purpose. [~~Purposes.~~]

[~~(1)~~] The Financial Aid Advisory Committee is created to provide the Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. In this capacity, it is also to assist staff in the development of training materials for use by the Center for Financial Aid Information and others in informing students, parents, secondary education counselors, college personnel, members of appropriate community-based organizations, and others about financial aid opportunities for Texas students, including eligibility requirements and procedures for applying for financial aid.

[~~(2) In addition, the committee shall provide insight on state financial aid program policies and procedures (e.g. eligibility, allocations, disbursement processes, etc); review the collection, use, and reporting of data; and identify areas of research for consideration.~~]

§1.153. Meetings.

The committee shall meet as necessary, subject to the call of the presiding officer. [~~on a quarterly basis. Special meetings may be called as deemed appropriate by the presiding officer.~~] Meetings shall be open to the public and broadcast via the web, unless prevented by technical difficulties. Minutes shall be available to the public after they have been prepared by Coordinating [~~the~~] Board staff and reviewed by members of the committee.

§1.154. Tasks Assigned to the Committee.

[~~(a)~~] Tasks assigned the committee include providing the agency with guidance and advice to:

(1) develop a comprehensive financial aid training program for public school counselors, employees of student financial aid offices of public institutions and private or independent institutions of higher education, members of appropriate community-based organizations, and other appropriate persons;

(2) teach methods to enable persons receiving training to effectively communicate financial aid information to students, parents and others;

(3) support and promote the dissemination of financial aid information, including eligibility requirements and procedures for applying for financial aid, to students, parents and others; and

(4) publicize training and make it easily available to public school counselors and other appropriate persons across the state.

[~~(b) Other tasks to be addressed include:~~]

[~~(1) evaluate and make recommendations regarding means for improving state financial aid programs;~~]

[~~(2) review and make recommendations regarding program rules and administrative materials to assure procedures are effective and efficient;~~]

[~~(3) review the collection, use, and reporting of financial aid data; and~~]

[~~(4) identify areas of research for consideration.~~]

§1.155. Report to the Board[~~; Evaluation of Committee Costs and Effectiveness~~].

The presiding officer [~~committee chairperson~~] shall report any recommendations to the Board annually. [~~on no less than an annual basis. The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.~~]

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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SUBCHAPTER L. FORMULA ADVISORY COMMITTEE - GENERAL ACADEMIC INSTITUTIONS, TECHNICAL COLLEGES, AND STATE COLLEGES

19 TAC §1.165, §1.170

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter L, §1.165, and §1.170 concerning Formula Advisory Committee - General Academic Institutions, Technical Colleges, and State Colleges. Specifically, this amendment will add Sam Houston Polytechnic to the list of Public State Colleges as recorded in §1.165(4) and eliminate an unnecessary requirement in §1.170 not mandated by statute.

Texas Education Code, §61.059(b), and (b-1), authorizes the Coordinating Board to adopt rules in this subchapter.

Rule 1.165, Definitions, is amended to add Sam Houston Polytechnic to the list of extant public state colleges and to make grammatical changes to update *Texas Register* requirements.

Rule 1.170, Report to the Board; Evaluation of Committee Costs and Effectiveness, is amended to remove an unnecessary requirement.

Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be the implementation of House Bill 3204, 89th Texas Legislature, Regular Session, by adding Sam Houston Polytechnic to the list of extant public state colleges and the elimination of an unnecessary requirement not required by statute. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Andy.MacLaurin@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under House Bill 3204, 89th Texas Legislature, Regular Session and Texas Education Code, Section 61.059.

The proposed amendment affects Texas Education Code, Chapter 1, Subchapter L and Texas Education Code, Section 61.059.

§1.165. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

(1) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(2) Commissioner--The Commissioner of Higher Education, the Chief Executive Officer of the Board.

(3) Interested Persons [~~persons~~]--Persons who attend committee meetings as representatives of stakeholder entities and any other persons who have made their interest in the work of the committee known to its presiding officer. Such interested persons may participate in committee discussions, as invited by the presiding officer to do so, but do not have the authority to cast votes.

(4) Public State Colleges [~~state colleges~~]--Lamar State College - Port Arthur, Lamar State College - Orange, Lamar Institute of Technology, and the Polytechnic College at Sam Houston State University.

(5) The Texas Higher Education Coordinating Board--The [~~the~~] agency known as the Texas Higher Education Coordinating Board and its staff.

§1.170. Report to the Board[~~; Evaluation of Committee Costs and Effectiveness~~].

(a) Subcommittee and workgroup recommendations shall be made to the committee no later than January 15 of the year following its appointment.

(b) The committee shall convey its recommendations to the Board no later than February 1 of the year following its appointment.

(c) The Commissioner may provide recommendations to the Board if they differ from the committee's recommendations.

(d) After considering all such recommendations, the Board shall adopt its own recommendations at the quarterly Board meeting in April of even-numbered years. The Commissioner shall transmit the Board's recommendations to the Governor, the Legislature, and the Legislative Budget Board no later than June 1 of each even-numbered year.

[(c) The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.]

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

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SUBCHAPTER M. FORMULA ADVISORY COMMITTEE - HEALTH-RELATED INSTITUTIONS

19 TAC §1.177

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter M, §1.177, concerning Report to the Board; Evaluation of Committee Costs and Effectiveness. Specifically, this amendment will eliminate an unnecessary requirement imposed on the committee that is an agency-level duty.

Texas Education Code, §61.027, provides the Coordinating Board with general rule making authority. Texas Education Code, §61.059, specifically authorizes the Formula Advisory Committee - Health-Related Institutions.

Rule 1.177, Report to the Board; Evaluation of Committee Costs and Effectiveness, is amended to remove an unnecessary requirement.

Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to eliminate an unnecessary requirement not mandated by statute. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to, Andy MacLaurin, Assistant Commissioner for Funding and Resource Planning P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt rules and Texas Education Code, Section 61.059, which specifically authorizes the Formula Advisory Committee - Health-Related Institutions.

The proposed amendment affects Texas Education Code, Section 61.059.

§1.177. Report to the Board[; Evaluation of Committee Costs and Effectiveness].

(a) Subcommittee and workgroup recommendations shall be made to the committee no later than January 15 of the year following its appointment.

(b) The committee shall convey its recommendations to the Board no later than February 1 of the year following its appointment.

(c) The Commissioner may provide recommendations to the Board if they differ from the committee's recommendations.

(d) After considering all such recommendations, the Board shall adopt its own recommendations at the quarterly Board meeting in April of even-numbered years. The Commissioner shall transmit the Board's recommendations to the Governor, the Legislature, and the Legislative Budget Board no later than June 1 of each even-numbered year.

[(c) The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.]

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6495

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SUBCHAPTER O. LEARNING TECHNOLOGY ADVISORY COMMITTEE

19 TAC §1.191

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter O, §1.191, concerning Report to the Board; Evaluation of Committee Costs and Effectiveness. Specifically, this amendment will eliminate an unnecessary requirement imposed on the committee that is an agency-level duty.

Texas Education Code, §61.027 provides the Coordinating Board with general rule making authority. Texas Government Code, §2110.0012 authorizes the Coordinating Board to establish advisory committees.

Rule 1.191, Report to the Board; Evaluation of Committee Costs and Effectiveness, is amended to remove an unnecessary requirement.

Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to eliminate an unnecessary requirement not mandated by statute. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to, Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt rules.

The proposed amendment affects Texas Education Code, Section 61.027.

§1.191. Report to the Board[; ~~Evaluation of Committee Costs and Effectiveness~~].

The committee chairperson shall report any recommendations to the Board on [~~no less than~~] an annual basis. [~~The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.~~]

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

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Douglas Brock
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SUBCHAPTER P. LOWER-DIVISION ACADEMIC COURSE GUIDE MANUAL ADVISORY COMMITTEE

19 TAC §1.198

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter P, §1.198, concerning Report to the Board; Evaluation of Committee Costs and Effectiveness. Specifically, this amendment will eliminate an unnecessary requirement imposed on the committee that is an agency-level duty.

Texas Education Code, §61.027, provides the Coordinating Board with general rule making authority. Texas Government Code, §2110.0012 authorizes the Coordinating Board to establish advisory committees.

Rule 1.198, Report to the Board; Evaluation of Committee Costs and Effectiveness, is amended to remove an unnecessary requirement.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has determined that for each of the first five years the section is in effect there would be no fiscal implications

for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be eliminating an unnecessary requirement not mandated by statute. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to, Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt rules.

The proposed amendment affects Texas Education Code, Section 61.027.

§1.198. Report to the Board[; ~~Evaluation of Committee Costs and Effectiveness~~].

The committee chairperson shall report any recommendations to the Board on [~~no less than~~] an annual basis. [~~The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.~~]

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

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CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER L. APPROVAL PROCESS FOR A CAREER AND TECHNICAL EDUCATION CERTIFICATE

19 TAC §§2.262, 2.264, 2.265

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter L, §§2.262, 2.264, and 2.265, concerning Approval Process for a Career and Technical Education Certificate. Specifically, these amendments will remove language referring to third party credentials.

Texas Education Code, §61.003(12), §61.051, §61.0512, and §96.63, authorizes that no new degree or certificate program may be added at any public institution of higher education except with specific prior approval of the Coordinating Board. Texas Education Code, §130.001 and §130.008, grants the Coordinating Board with the authority to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. The Coordinating Board has the authority to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under Texas Education Code, §135.04, and the Josey School of Vocational Education under Texas Education Code, §96.63.

Rule 2.262, Certificate Titles, Length, and Program Content, is amended by removing language referring to third party credentials.

Rule 2.264, Approval Required, is amended by removing language referring to third party credentials.

Rule 2.265, Presentation of Requests and Steps for Approval of Proposed New Career and Technical Education Certificates, is amended by removing language referring to third party credentials.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five

years the section is in effect, the public benefit anticipated as a result of administering the sections will be coherence and alignment in the rules governing third party credentials. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed under Texas Education Code, §61.003(12), §61.051, §61.0512, and §96.63, which provide that no new degree or certificate program may be added at any public institution of higher education except with specific prior approval of the Coordinating Board. Texas Education Code, §130.001 and §130.008, grants the Coordinating Board with the authority to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. The Coordinating Board has the authority to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under Texas Education Code, §135.04, and the Josey School of Vocational Education under Texas Education Code, §96.63.

The proposed amendments affect Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter L.

§2.262. Certificate Titles, Length, and Program Content.

(a) Career and Technical Education Certificate--A post-secondary credential, other than a degree, which a student earns upon successful completion of a career and technical education workforce or continuing education program offered by an institution of higher education. Courses that comprise career and technical education certificates are listed in the Workforce Education Course Manual and the Academic Course Guide Manual and are subject to Board approval.

(b) Certificates subject to this subchapter are defined as follows:

(1) Advanced Technical Certificate (ATC)--has a specific associate or baccalaureate degree or junior level standing in an approved baccalaureate degree program as a prerequisite for admission. It consists of at least 16 semester credit hours and no more than 45 semester credit hours and must be focused, clearly related to the prerequisite degree, and justifiable to meet industry or external agency requirements.

(2) Continuing Education Certificate--is awarded for completion of a program of instruction that meets or exceeds 360 contact hours and earns continuing education units. The certificate program is intended to prepare the student to qualify for employment; to qualify for employment advancement; or to bring the student's knowledge or skills up to date in a particular field or profession.

(3) Enhanced Skills Certificate (ESC)--a certificate associated with an applied associate degree program intended to provide advanced skills identified by business and industry that are not part of the applied associate degree. The certificate must be clearly defined in course content and outcomes. It must consist of at least six (6) semester credit hours and no more than twelve (12) semester credit hours. An ESC may extend an applied associate degree to an overall total that must not exceed 72 semester credit hours. An ESC is awarded concurrently with a degree but may not be considered to be an intrinsic part of the degree or be used to circumvent the 60-semester credit hour associate degree limitation.

(4) Institutional Credential Leading to Licensure or Certification (ICLC)--is awarded by an institution upon a student's completion of a course or series of courses that represent the achievement of identifiable skill proficiency leading to licensure or certification. This definition includes a credential that meets the definition of an Occupational Skills Award in all respects except that the program may provide training for an occupation that is not included in the Local Workforce Development Board's Target Occupations list.

(5) Level 1 Certificate--is designed to provide the necessary academic skills and the workforce skills, knowledge, and abilities necessary to attain entry-level employment or progression toward a Level 2 Certificate or an applied associate degree, with at least 50 percent of course credits drawn from a single technical specialty. A Level 1 Certificate must be designed for a student to complete in one calendar year or less time and consists of at least 15 semester credit hours and no more than 42 semester credit hours.

(6) Level 2 Certificate--consists of at least 30 semester credit hours and no more than 51 semester credit hours.

(7) Occupational Skills Award (OSA)--a sequence of courses that meets the minimum standard for program length specified by the Texas Workforce Commission for the federal Workforce Innovation and Opportunity Act program (9-14 semester credit hours for credit courses or 144-359 contact hours for continuing education courses). An OSA must possess the following characteristics:

(A) The content of the credential must be recommended by an external workforce advisory committee, or the program must provide training for an occupation that is included on the Local Workforce Development Board's Target Occupations list;

(B) In most cases, the credential should be composed of Workforce Education Course Manual (WECM) courses only. However, lower-division courses from the Academic Course Guide Manual (ACGM) may be used if recommended by the external committee and if appropriate for the content of the credential;

(C) The credential complies with the Single Course Delivery guidelines for WECM courses; and

(D) The credential prepares students for employment in accordance with guidelines established for the Workforce Innovation and Opportunity Act.

[(8) Third-Party Credential--A certificate as defined in Texas Education Code, §61.003(12)(C). A Third-Party Credential meets the following requirements:]

[(A) The third-party credential is listed in the American Council on Education's ACE National Guide with recommended semester credit hours;]

[(B) The third-party credential program content is either embedded in a course, embedded in a program, or is a stand-alone program;]

[(C) The third-party credential is conferred for successful completion of the third-party instructional program in which a student is enrolled;]

[(D) The third-party credential is included on the workforce education, continuing education, or academic transcript from the college;]

[(E) The third-party provider of the certificate develops the instructional program content, develops assessments to evaluate student mastery of the instructional content, and confers the third-party credential; and]

[(F) The third-party credential meets the requirements in §13.556 of this part (relating to Performance Tier: Fundable Outcomes).]

§2.264. Approval Required.

An application for approval of a new certificate program under this subchapter is subject to the following levels of approval:

(1) If the proposed certificate program, [other than a third-party credential,] contains 50 percent or more new content, the proposal will be subject to Assistant Commissioner expedited review and approval under §2.4(2)(B)(ii) of this chapter (relating to Types of Approval Required). In this subchapter, Assistant Commissioner means the Assistant, Associate, or Deputy Commissioner designated by the Commissioner.

(2) If the proposed certificate program is included in the inventory of certificates that the Coordinating Board previously identified as Credentials of Value, the proposal will be subject to approval by notification under §2.4(1) of this chapter.

(3) [A Third-Party Credential,] Occupational Skills Award, Advanced Technical Certificate, and Enhanced Skills Certificate will be subject to approval by notification under 2.4(1) of this chapter.

§2.265. Presentation of Requests and Steps for Approval of Proposed New Career and Technical Education Certificates.

(a) An institution shall submit an application prior to offering a new Continuing Education Certificate, Level 1 Certificate, Level 2 Certificate, Advanced Technical Certificate, Enhanced Skills Certificate, Occupational Skills Award, Institutional Credential for Licensure or Certification[, or Third-Party Credential] using the forms available on the Coordinating Board's website.

(b) The institution's application shall demonstrate that the governing board approved the proposed certificate program prior to submission.

(c) Board Staff will make the determination of administrative completeness in accordance with §2.6 of this chapter (relating to Administrative Completeness).

(d) The Assistant Commissioner shall approve or deny the proposed certificate program within 60 days, after receipt of the complete certificate program proposal. If the Assistant Commissioner does not act to approve or deny the proposal within one year of administrative completeness, the certificate program is considered approved.

(e) Upon approval, Board Staff will add the new career and technical education certificate program to the institution's Program Inventory. The Program Inventory contains the institution's list of degrees and certificates approved by the Board.

(f) If the Assistant Commissioner denies the proposed certificate program, the institution may appeal the decision to the Commissioner. The Commissioner may, within 60 days after appeal, at his or her sole discretion:

(1) deny the proposed certificate program;

(2) approve the proposed certificate program; or

(3) allow the institution the opportunity to cure deficiencies in the proposed program.

(g) A new certificate program must be implemented within 24 months of the approved implementation date stated in the Coordinating Board approval letter. After 24 months, the institution must submit an application for approval of a new certificate 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.

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6209

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CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER C. TEXAS SUCCESS INITIATIVE

19 TAC §4.52

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter C, §4.52, concerning Applicability. Specifically, this amendment will reinstate the applicability of Texas Success Initiative (TSI), so institutions of higher education may follow best practices in assessing high school students regarding their readiness to engage with college-level coursework, to enable appropriate placements, and to provide targeted and aligned interventions and support to help ensure students' positive experiences with, and successful completion of, the college course.

Texas Education Code, Section 51.344, provides the Coordinating Board with the authority to adopt rules to implement the provisions of Texas Education Code, Chapter 51, Subchapter F-1, concerning the Texas Success Initiative.

Rule 4.52, Applicability, is amended by deleting §4.52(4) for the purpose to reinstate the applicability of TSI to all high school students, so institutions of higher education may follow best

practices in assessing students regarding their readiness to engage with college-level coursework, to enable appropriate placements, and to provide targeted and aligned interventions and support to help ensure students' positive experiences with, and successful completion of, the college course.

Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, has determined that for each year of the first five years the section is in effect, there will not be any fiscal implications to state or local government as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be increased efficiency and effectiveness of student assessment and placement. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Suzanne Morales-Vale, Senior Director, P.O. Box 12788, Austin, Texas 78701, or Suzanne.Morales-Vale@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under the Texas Education Code, Section 51.344, which provides the Coordinating Board with the authority to adopt rules to implement the provisions of Texas Education Code, Chapter 51, Subchapter F-1, concerning the Texas Success Initiative.

The proposed amendment affects Texas Education Code, Chapter 51, Subchapter F-1.

§4.52. Applicability.

(a) Except as set out in subsection (b) of this section, this subchapter applies to each entering undergraduate student not otherwise exempt under §4.54 of this subchapter (relating to Exemption).

(b) This subchapter does not apply to the following students, and an institution shall not require these students to demonstrate college readiness pursuant to this subchapter. To verify qualification under §4.52(b)(6) - (8) [~~(7) - (9)~~], eligibility should be determined at each registration period. The following figure contains the full list of student categories to whom this subchapter does not apply.

Figure: 19 TAC §4.52(b)

[~~Figure: 19 TAC §4.52(b)~~]

(1) A student who has earned an associate or baccalaureate degree from an institution of higher education;

(2) A student who transfers to an institution of higher education from a private or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework in the corresponding subject area, as transcribed or otherwise determined by the receiving institution;

(3) A student who is enrolled in a certificate program of one year or less at a public junior college, a public technical institute, or a public state college;

~~[(4) A student enrolled in high school who is a non-degree-seeking student as defined in §4.53(8) of this subchapter (relating to Definitions)]~~

(4) [~~(5)~~] A student who is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States; [~~or~~]

(5) [~~(6)~~] A student who on or after August 1, 1990, was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States; or

(6) [~~(7)~~] A student who is:

(A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and

(B) employed more than 20 hours a week by a political subdivision, according to Texas Local Government Code §172.003;

(7) [~~(8)~~] A student who is employed more than 20 hours a week as fire protection personnel by Section 419.021, Government Code; or

(8) [~~(9)~~] A student who is elected, appointed, or employed more than 20 hours a week to serve as a peace officer described by Article 2A.001, Code of Criminal Procedure, or other law.

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6541

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SUBCHAPTER E. LEARNING OUTCOMES FOR UNDERGRADUATE COURSES

19 TAC §§4.101 - 4.104

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter E, §§4.101 - 4.104, concerning Learning Outcomes for Undergraduate Courses. Specifically, this repeal will move Chapter 4, Subchapter E, into an existing Subchapter U.

Texas Education Code, Chapter 51, Subchapter Z, §51.96851 and §51.974(g) authorizes the Coordinating Board to adopt rules relating to the requirements of learning outcomes in undergraduate courses.

Daniel Pérez, Associate Commissioner for Academic & Workforce Initiatives, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Daniel Pérez, Associate Commissioner for Academic & Workforce Initiatives, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be the consolidation of related requirements into a single subchapter. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Daniel Pérez, Associate Commissioner for Academic & Workforce Initiatives, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Chapter 51, Subchapter Z, Sections 51.96851 and 51.974(g), which authorize the Coordinating Board to adopt rules relating to the requirements of learning outcomes in undergraduate courses.

The proposed repeal affects Texas Education Code, Chapter 51, Subchapter Z, Sections 51.96851 and 51.974(g).

§4.101. Purpose.
§4.102. Authority.
§4.103. Definitions.
§4.104. Measurable Learning Outcomes for Undergraduate Courses.

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6299

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SUBCHAPTER N. PUBLIC ACCESS TO COURSE INFORMATION

19 TAC §§4.225 - 4.228

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter N, §§4.225 - 4.228, concerning Public Access to Course Information. Specifically, this repeal will move Chapter 4, Subchapter N, into Subchapter U.

Texas Education Code, Chapter 51, §51.974(g), authorizes the Coordinating Board to adopt rules relating to requirements for public access to course information.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the consolidation of related requirements into a single subchapter. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Chapter 51, Subchapter Z, Section 51.974(g), which authorizes the Coordinating Board to adopt rules relating to requirements for public access to course information.

The proposed repeal affects Texas Education Code, Chapter 51, Section 51.974(g).

§4.225. Purpose.
§4.226. Authority.
§4.227. Definitions.
§4.228. Internet Access to Course Information.

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

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SUBCHAPTER U. REQUIRED DEGREE AND COURSE PLANNING

19 TAC §§4.361, 4.363, 4.366, 4.367

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter U, §4.361 and §4.363, and new §4.366 and §4.367 concerning Required Degree and Course Planning. Specifically, these amendments and new sections will move existing rules from Chapter 4, Subchapters E and N, into Chapter 4, Subchapter U, which includes related rules for degree and course planning.

Texas Education Code, §51.96851(d), authorizes the Coordinating Board to adopt rules related to undergraduate course learning outcomes. Texas Education Code, §51.974(g), authorizes the Board to adopt rules related to public access to course information.

Rule 4.361, Authority, is amended to add references to statutory authority for the new sections.

Rule 4.363, Definitions, is amended to add relevant definitions for the new sections being added to the subchapter.

Rule 4.366, Requirements for Undergraduates Course Learning Outcomes, outlines the requirements for institutions regarding the development and public availability of course learning outcomes.

Rule 4.367, Public Access to Course Information, specifies the requirements for institutions to ensure that various course information is made publicly available for a given period of time.

Daniel R. Pérez, Associate Commissioner for Academic & Workforce Initiatives, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Daniel R. Pérez, Associate Commissioner for Academic & Workforce Initiatives, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be to consolidate similar requirements for institutions related to degree and course planning in alignment with statutory obligations. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Daniel R. Pérez, Associate Commissioner for Academic & Workforce Initiatives, P.O. Box 12788, Austin, Texas 78711-2788, or via email

at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments and new sections are proposed under Texas Education Code, Sections 51.96851(d) and 51.974(g), which authorizes the Coordinating Board to adopt rules related to course learning outcomes and public access to course information.

The proposed amendments and new sections affects Texas Education Code, Sections 51.96851(d) and §51.974(g).

§4.361. Authority.

Texas Education Code, §51.96851(d), authorizes the Board to adopt rules related to undergraduate course learning outcomes. Texas Education Code, §51.974(g), authorizes the Board to adopt rules related to public access to course information. Texas Education Code, §51.96852(d), requires the Board to adopt rules relating to the development, reporting, and publication of recommended course sequences. Texas Education Code, §61.07771, requires the Board to adopt rules regarding the availability of certificate and degree program requirements for students enrolling at or transferring into institutions of higher education.

§4.363. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless otherwise defined in the subchapter:

(1) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(2) Certificate Program--Has the meaning as defined in §2.3(12) of this title (relating to Definitions).

(3) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.

(4) Curriculum Vitae--A document that summarizes the career and qualifications of the instructor of record, including at least the following:

(A) all institutions of higher education attended, with the degree(s) earned;

(B) all previous teaching positions, including the names of the institutions, the position, beginning and ending dates; and

(C) a list of significant professional publications relevant to the academic positions held, including full citation data for each entry.

(5) [~~(4)~~] Degree Program--Has the meaning prescribed in §2.3(19) of this title.

(6) Instructor(s) of Record--The primary instructor or co-instructors of a course who are responsible for the course content and the assignment of final grades. This includes tenured and tenure-track faculty, lecturers, adjuncts, and graduate assistants (who are not working under the supervision of an instructor of record). It does not include guest lecturers or others who may be brought in to teach less than fifty percent of the class sessions.

(7) [~~(5)~~] Lower-Division Academic Course Guide Manual (ACGM)--A publication listing academic courses, as defined in §4.23(13) of this title (relating to Definitions).

(8) [~~(6)~~] Program Plan--A recommended sequence of courses by semester, term, or enrollment period that will satisfy the requirement for a student to complete a certificate or degree program.

(9) [~~(7)~~] Texas Common Course Numbering System (TCCNS)--A common course numbering system, as defined in §4.23(10) of this title, and authorized by Texas Education Code, §61.832.

(10) Syllabus--A document describing the course that satisfies any standards for syllabi adopted by the institution. The document shall include, at a minimum, the following:

(A) brief description of each major course requirement, including each major assignment and examination;

(B) the measurable learning outcomes for the course, as defined in Subchapter U, §4.366 of this chapter (relating to Requirements for Undergraduate Course Learning Outcomes);

(C) a general description of the subject matter of each lecture or discussion; and

(D) lists of any required or recommended readings.

(11) Undergraduate Course--Any lower- or upper-division credit course offered on-campus, off-campus, distance education, and dual-credit courses (including those taught on high school campuses).

§4.366. Requirements for Undergraduate Course Learning Outcomes.

(a) Each institution of higher education shall adopt and make available on its internet website learning outcomes for each undergraduate course.

(b) Courses exempt from the requirement in subsection (a) include:

(1) An independent study course;

(2) A lab or practicum; or

(3) Other required component of a lecture course.

§4.367. Public Access to Course Information.

(a) Each public institution of higher education as defined in Texas Education Code, Section 61.003, other than a medical and dental unit, shall make available to the public on the institution's Internet website the following information for each undergraduate course offered for credit by the institution:

(1) A syllabus;

(2) A curriculum vitae for the instructor(s) of record; and

(3) If available, a departmental operating budget from the most recent semester or other academic term during which the institution offered the course.

(b) If multiple sections of a course use an identical syllabus with identical assignments and readings, only one syllabus shall be posted. The curriculum vitae of each instructor(s) of record for each section shall be posted.

(c) All course information described in subsection (a) of this section shall be:

(1) Accessible from the institution's website home page by use of not more than three links;

(2) Searchable by keywords and phrases;

(3) Accessible to the public without requiring registration or use of a username, a password, or another user identification;

(4) Available not later than the seventh day after the first day of classes for the semester or other academic term during which the course is offered; and

(5) Updated as soon as practicable after the information changes, at least once for every semester in which the course is offered.

(6) Available on the institution's website until at least the second anniversary of the date on which the institution initially posted the information.

(d) An institution shall conduct end-of-course student evaluations of faculty for each undergraduate course as defined in of this title and develop a plan to make evaluations publicly available on the institution's website.

(e) The governing body of the institution shall designate an administrator to be responsible for ensuring implementation of this section.

(f) Not later than January 1 of each odd-numbered year, each institution of higher education shall submit a written report regarding the institution's compliance with this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education.

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

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CHAPTER 5. RULES APPLYING TO PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND/OR SELECTED PUBLIC COLLEGES OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER F. MATH, SCIENCE, AND TECHNOLOGY TEACHER PREPARATION ACADEMIES

19 TAC §§5.111 - 5.115

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter F, §§5.111 - 5.115, concerning Math, Science, and Technology Teacher Preparation Academies. Specifically, this repeal will remove discretionary rules for an unfunded program that was determined to be unnecessary during the four-year rule review.

Texas Education Code, §61.0766, authorizes, but does not require, the Coordinating Board to adopt rules for Math, Science, and Technology Teacher Preparation Academies.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the sections will be the removal of discretionary rules for an unfunded program that was determined to be unnecessary during the four-year rule review. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Daniel Pérez, Associate Commissioner for Academic and Workforce Initiatives, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 21.462, which provides the Coordinating Board with the authority to adopt rules for Math, Science, and Technology Teacher Preparation Academies.

The proposed repeal affects Texas Education Code, Section 61.0766.

§5.111. Purpose.

§5.112. Authority.

§5.113. Definitions.

§5.114. Institutional Eligibility.

§5.115. Funding.

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6299

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CHAPTER 10. GRANT PROGRAMS
SUBCHAPTER SS. TEXAS RESKILLING AND UPSKILLING THROUGH EDUCATION (TRUE) GRANT PROGRAM

19 TAC §10.897

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 10, Subchapter SS, §10.897, concerning Reporting Criteria. Specifically, this amendment specifies grantees annual reporting of student outcomes requirement to a time limit of three consecutive years following the end of the TRUE Grant period.

TRUE Grant statute and rules require TRUE grantees to indefinitely report on student outcomes annually following the end of the established grant period. There is currently no specification on how many years annual reporting needs to take place following the end of the grant. Coordinating Board staff in the Workforce and Data Management and Research Divisions have found that the quality of data provided by TRUE grantees more than three years post grant decreases in accuracy and reliability. Limiting reporting to three years meets the statutory purpose to gauge the impact of the grant program while also ensuring reliable data and promoting efficiency for grantees by eliminating unnecessary burdens to track beyond three years.

The Coordinating Board has authority to establish rules for the TRUE Grant Program under Texas Education Code, Chapter 61, Subchapter T-2, and §§61.882(b) - 61.886.

Rule 10.897, Reporting Criteria, is amended to specify grantees annual reporting of student outcomes to a time limit of three consecutive years following the end of the TRUE Grant period.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be more accurate data reporting concerning the state's investment in the TRUE Grant Program. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Chapter 61, Subchapter T-2, Sections 61.882(b) - 61.886, which provides the Coordinating Board with the authority to establish rules for the administration of the TRUE Grant Program.

The proposed amendment affects Texas Administrative Code, Chapter 10, Section SS.

§10.897. Reporting Criteria.

(a) Interim and Final Reporting for the TRUE Grant Program. Grantees must file program and expenditure reports and student reports if applicable to the Coordinating Board during the grant period and at its conclusion as required by the RFA. Grantees shall provide information that includes, but is not limited to, the following:

(1) Characteristics of the credential programs that are being worked on by the project;

(2) Status of the grant project activities;

(3) Budget expenditures by budget category;

(4) Student level data for students receiving financial aid funded by the grant as applicable;

(5) Student enrollment data as applicable; and

(6) Any other information required by the RFA.

(b) Ongoing Data Collection and Reporting for the TRUE Grant Program. Grantees shall submit data [~~necessary information~~] concerning student enrollment, credential completion, and employment outcomes for students in TRUE funded programs per Texas Education Code, §61.883(a)(6), and as set forth in the RFA, annually for three consecutive years following the end of the grant period. Grantees shall provide information that may include, but is not limited to, the following:[~~.~~]

(1) [~~(c)~~] [~~The Coordinating Board will request an updated list of~~] TRUE developed and funded credential programs with required data points as requested by the Coordinating Board; [~~from grant holders annually at the end of June of each year following the end of the grant period.~~]

(2) Student enrollment data;

(3) Student completion data;

(4) Student employment data; and

(5) any other information necessary to evaluate the grant program.

~~[(d) The Coordinating Board will request a roster with required data points for all students enrolled in the listed credential program or programs funded through TRUE from grant holders annually at the end of June of each year for following the end of the grant 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 June 26, 2026.

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6209

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CHAPTER 11. TEXAS STATE TECHNICAL COLLEGE SYSTEM

SUBCHAPTER A. PURPOSE, AUTHORITY, AND DEFINITIONS

19 TAC §11.2, §11.3

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 11, Subchapter A, §11.2 and §11.3, concerning Purpose, Authority, and Definitions. Specifically, these amendments will update the authority and terminology regarding the Texas State Technical College System.

Texas Education Code, §61.051, §61.053, §61.056, §61.058, §61.0583, §135.04, §135.02, and §135.06, authorizes the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System relating to new program approval, approval and operation of extension centers, approval of land acceptance or acquisition, and the audit of its facilities.

Rule 11.2, Authority, is amended to update Texas Education Code citations providing authority to the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System, which is the purpose of this subchapter.

Rule 11.3, Definitions, is amended to eliminate out of date terminology and update definitions of career and technical education terms so that they conform with definitions in current use in the Texas Administrative Code.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be an updated authority and definitions for Chapter 11. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed under Texas Education Code, Sections 61.051, 61.053, 61.056, 61.058, 61.0583, 135.04, 135.02, and 135.06, which authorizes the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System relating to new program approval, approval and operation of extension centers, approval of land acceptance or acquisition, and the audit of its facilities.

The proposed amendments affect Chapter 11, Subchapter A.

§11.2. Authority.

Texas Education Code, §§61.051, 61.053, 61.056, 61.058, 61.0583, [~~135.01,~~] 135.04, 135.02, and 135.06, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System relating to [~~the review of its role and mission statement,~~] new program approval, approval and operation of extension centers, approval of land acceptance or acquisition, and the audit of its facilities.

§11.3. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Board [~~or coordinating board~~]--The Texas Higher Education Coordinating Board.

(2) Campus--A [~~residential~~] unit of the Texas State Technical College System that grants certificates [~~certificate~~] and associate of applied science degrees, including the main campus of a technical college as set forth in Texas Education Code, §135.02(a), and an off-campus educational site approved by the technical college's accreditor in accordance with 34 C.F.R. §600.32.

(3) Career and technical education--College-level workforce or continuing education courses and programs offered by an institution of higher education that earn either semester credit hours or continuing education units toward satisfaction of a requirement necessary to obtain an industry-recognized credential, certificate, or applied associate degree and that prepare students for immediate employment or upskilling within specific occupational categories. Career and technical education courses are listed in the Workforce Education Course Manual.

(4) [~~(3)~~] Commissioner--The Commissioner of Higher Education. [~~of higher education or commissioner--The chief executive officer of the Texas Higher Education Coordinating Board.~~]

(5) [~~(4)~~] Governing board--The board of regents of the Texas State Technical College System.

(6) [~~(5)~~] Extension center--A site, operating under the administration of a campus, that has an extension program.

(7) [~~(6)~~] Extension program--Credit and non-credit instruction in workforce and continuing education [~~technical and vocational education~~] offered at an extension center.

(8) [~~(7)~~] System--The Texas State Technical College System.

~~[(8) Technical courses or programs--Workforce education courses or programs for which semester/quarter credit hours are awarded.]~~

~~[(9) Vocational courses or programs--Workforce education courses or programs for which continuing education units (CEUs) are awarded.]~~

~~[(10) Workforce education--Technical courses and programs for which semester/quarter credit hours are awarded, and vocational courses and programs for which continuing education units are awarded. Workforce education courses and programs prepare students for immediate employment or job upgrade within specific occupational categories.]~~

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6209

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SUBCHAPTER B. GENERAL PROVISIONS

19 TAC §§11.21 - 11.25, 11.27 - 11.30

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 11, Subchapter B, §§11.21 - 11.25 and 11.27 - 11.30, concerning General Provisions. Specifically, this repeal will allow updated language in a new Chapter 11, Subchapter B to be adopted.

Texas Education Code, §61.051, §61.053, §61.056, §61.058, §61.0583, §135.01, §135.04, §135.02, and §135.06, authorizes the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System relating to the review of its role and mission statement, new program approval, approval and operation of extension centers, approval of land acceptance or acquisition, and the audit of its facilities.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be an updated general provisions regarding the Texas State Technical College System. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register.*

The repeal is proposed under the following authorities: Texas Education Code, Sections 61.051, 61.053, 61.056, 61.058, 61.0583, 135.01, 135.04, 135.02, and 135.06, which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System relating to the review of its role and mission statement, new

program approval, approval and operation of extension centers, approval of land acceptance or acquisition, and the audit of its facilities.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 11, Subchapter B.

§11.21. Role and Mission.

§11.22. Establishing Additional Campuses.

§11.23. Approval and Operation of Extension Programs and Centers.

§11.24. Approval of Land Acceptance or Acquisition.

§11.25. Audit of Facilities.

§11.27. New Program and Course Approval.

§11.28. Other Provisions Related to the System.

§11.29. Action and Order of the Board.

§11.30. Funding.

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 427-6209

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19 TAC §§11.21 - 11.28

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 11, Subchapter B, §§11.21 - 11.28, concerning General Provisions. Specifically, these new sections will replace outdated, repealed language in the previous version of Chapter 11, Subchapter B.

Texas Education Code, §61.051, §61.053, §61.056, §61.058, §61.0583, §135.04, §135.02, and §135.06, authorizes the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System relating to new program approval, approval and operation of extension centers, approval of land acceptance or acquisition, and the audit of its facilities.

Rule 11.21, Establishing Additional Campuses, establishes that the Coordinating Board reviews and makes recommendations concerning the establishment of additional Texas State Technical College campuses.

Rule 11.22, Approval and Operation of Extension Programs and Centers, states that the Texas State Technical College System may establish extension programs in accordance with statute and Coordinating Board approval and operate extension centers in accordance with statute and under continuing review by the Coordinating Board.

Rule 11.23, Approval of Land Acceptance or Acquisition, establishes that the Texas State Technical College System may accept, acquire, lease, sell, transfer, or exchange land in the name of the State of Texas, and make improvements to facilities in any of the counties where a campus or extension center is located utilizing procedures outlined in Texas Administrative Code, Chapter 17.

Rule 11.24, Audit of Facilities, establishes that the Coordinating Board will periodically conduct a comprehensive audit of all educational and general facilities on the Texas State Technical College System's campuses as outlined in Texas Administrative Code, Chapter 17.

Rule 11.25, New Program and Course Approval, outlines the approval process, procedures, and conditions under which a new courses or programs may be introduced by the Texas State Technical College System, bringing these in alignment with the procedures establish in Texas Administrative Code, Chapter 2, Subchapters K and L. It also states that partnership agreements are permissible but subject to the provisions of Texas Administrative Code, Chapter 9, Subchapter G.

Rule 11.26, Other Provisions Related to the System, establishes that the Texas State Technical College System is subject to certain provisions in Chapter 4 and Chapter 2, of the Texas Administrative Code.

Rule 11.27, Action and Order of the Board, establishes that approvals of additional campus and extension center, acquisition of land, and new program requests not delegated to the Commissioner may be undertaken by the Coordinating Board during scheduled quarterly meetings.

Rule 11.28, Funding, establishes that the Coordinating Board develops formulas for the support of administration and instruction for extension programs.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be an update of the general provisions regarding the Texas State Technical College System. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Education Code, Sections 61.051, 61.053, 61.056, 61.058, 61.0583, 135.04, 135.02, and 135.06, which authorizes the Coordinating Board to adopt policies, enact regulations, and establish rules for the Texas State Technical College System relating to new program approval, approval and operation of extension centers, approval of land acceptance or acquisition, and the audit of its facilities.

The proposed new sections affect Texas Administrative Code, Title 19, Part 1, Chapter 11, Subchapter B.

§11.21. Establishing Additional Campuses.

(a) The Board shall review any proposed legislation establishing an additional Texas State Technical College campus under Texas Education Code, §61.056. The review shall consider the state's need for the new campus. The Board shall report its findings to the Governor and the Legislature.

(b) The Board shall make a recommendation regarding the need for a new campus. The recommendation shall require a favorable vote of at least two-thirds of the members of the Board.

§11.22. Approval and Operation of Extension Programs and Centers.

(a) The system may establish an extension program in accordance with Texas Education Code, §135.06, and by approval of the Board.

(b) The system may operate an extension center in accordance with Texas Education Code, §135.02, and under continuing review by the Board.

§11.23. Approval of Land Acceptance or Acquisition.

The governing board of the Texas State Technical College System may accept, acquire by purchase, lease, sell, transfer, or exchange land in the name of the State of Texas and make improvement to facilities in any of the counties in which a campus or extension center is located according to procedures outlined in Chapter 17 of this title (relating to Resource Planning).

§11.24. Audit of Facilities.

The Board, through its internal auditor, shall periodically conduct a comprehensive audit of all educational and general facilities on the campuses of the Texas State Technical College System as outlined in Chapter 17 of this title (relating to Resource Planning).

§11.25. New Program and Course Approval.

(a) Courses and programs wholly or partially financed from state funds are subject to Coordinating Board prior approval and continuing review as specified in Chapter 2, Subchapter K, and Chapter 2, Subchapter L of this title (relating to Approval Process for an Applied Associates Degree, and Approval Process for a Career and Technical Education Certificate, respectively).

(b) Before any new course or program may be offered by a campus or extension center within the taxing district of a public community/junior college, it must be established that the public community/junior college is not capable of offering or chooses not to offer the program. The campus or extension center must present evidence to the Coordinating Board that the public community/junior college is not capable of offering the program. If the Board approves the program, the campus or extension center may offer it. The Board delegates to the Commissioner approval authority under this section. Approval of career and technical education programs under this section is not required in Brown, McLennan, Cameron, Fort Bend, Comal, Denton, Guadalupe, Williamson, and Potter Counties.

(c) Where a local government, business, or industry located in a county or a portion of a county that is not operating a public community/junior college district requests that the campus or extension center offer a program, the campus or extension center must request approval. The Board delegates to the Commissioner approval authority under this section.

(d) Approval of any courses or programs offered at a campus or extension center under subsections (a), (b), and (c) of this section must be requested from the Board according to procedures prescribed in Chapter 2, Subchapters K and L of this title.

(e) Partnership agreements between any Texas State Technical College and public or independent institutions of higher education are permissible but are subject to the provisions of Chapter 9, Subchapter G of this title (relating to Contractual Agreements).

§11.26. Other Provisions Related to the System.

The Texas State Technical College System is subject to additional provisions of this title including but not limited to Chapter 4, Subchapters A, B, and D, of this title (relating to General Provisions, Transfer of Credit, Core Curriculum and Field of Study Curricula, and Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges, respectively) and Chapter 2, Subchapters L, M, N, O, and P of this title (relating to Approval Process For a Career and Technical Education Certificate, Approval Process for Local Needs Courses, Career and Technical Education Course Maintenance and Approval, Approval Process and Required Reporting For Self-Supporting Degree Programs, and Approval Process and Criteria For Off-Campus Education At Public Universities, Health-Related Institutions, and Public Two-Year Colleges, respectively).

§11.27. Action and Order of the Board.

(a) If the Board takes action on the approval of additional campuses or extension centers, acquisition of land, or new program requests, that action shall be taken at the quarterly Board meeting after the request has been submitted, provided that the time is sufficient and in accordance with the Board's quarterly meeting planning calendar.

(b) A resolution shall be entered in the minutes of the Board and conveyed in writing by the Coordinating Board to the governing board of the Texas State Technical College System.

§11.28. Funding.

(a) The Board shall develop formulas by which administration, instruction, and physical plant operations and utilities are supported for each campus and extension program created prior to September 1, 1991.

(b) The Board shall develop formulas by which administration and instruction are supported for each extension program created after September 1, 1991.

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6209

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CHAPTER 13. FINANCIAL PLANNING
SUBCHAPTER Q. FINANCIAL AID FOR SWIFT TRANSFER (FAST) PROGRAM

19 TAC §13.501

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter Q, §13.501, concerning Definitions. Specifically, this amendment will amend the rule definition of "dual credit courses" to align with the program's statute.

The Coordinating Board is authorized by Texas Education Code, §28.0095, to adopt rules relating to the FAST program.

Rule §13.501, Definitions, is amended. The current rule definition of "dual credit course" in §13.501 cites to the term's definition in §4.83, a rule which applies to dual credit offerings generally, not the FAST program exclusively. Concurrent proposed changes to §4.83 would amend the definition for "dual credit course" in a manner that would misalign the FAST program rules with its governing statute. Accordingly, the definition of "dual credit course" in §13.501 is amended to instead cite directly to the FAST program's governing statute, avoiding a potential conflict. This does not represent a change in the administration of the program.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved rule clarity and alignment. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 28.0095, which provides the Coordinating Board with the authority to adopt rules relating to the FAST program.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter Q.

§13.501. Definitions.

In addition to the words and terms defined in §13.1 of this chapter (relating to Definitions) the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. In the event of conflict, the definitions in this subchapter shall control.

(1) Career and Technical Education Course--As defined in §4.83 of this title (relating to Definitions).

(2) Credit--As defined in §4.83 of this title [~~(relating to Definitions)~~].

(3) Dual Credit Course--As defined in Texas Education Code, §28.0095 [~~§4.83 of this title (relating to Definitions)~~].

(4) Educationally Disadvantaged--As defined in Texas Education Code, §5.001(4), eligible to participate in the national free or reduced-price lunch program.

(5) Equivalent of a Semester Credit Hour--As defined in §4.83 of this title [~~(relating to Definitions)~~].

(6) Program--The Financial Aid for Swift Transfer (FAST) Program.

(7) School District--As defined in §4.83 of this title [~~(relating to Definitions)~~]. For the purposes of this subchapter, the term includes the Windham School District.

(8) School Year--The twelve month-period of high school enrollment starting in August.

(9) Semester Credit Hour--As defined in §4.83 of this title [~~(relating to Definitions)~~].

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6495

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CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER D. TEXAS PUBLIC EDUCATIONAL GRANT AND EMERGENCY TUITION, FEES, AND TEXTBOOK LOAN PROGRAMS

19 TAC §22.66

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter D, §22.66, concerning Loan Repayment Deferral and Forgiveness. Specifically, this amendment will provide clear guidance on circumstances that represent extreme financial hardship for students repaying emergency loans made in accordance with Texas Education Code, Chapter 56, Subchapter D.

The Coordinating Board is authorized by Texas Education Code, §56.055, to adopt rules relating to the forgiveness of emergency loans offered under that section.

Rule 22.66, Loan Repayment Deferral and Forgiveness, is amended to provide guidance, per Texas Education Code, §56.055, on what constitutes "extreme financial hardship," circumstances occurring after the loan is made in which it is in the public interest for an emergency loan to be forgiven. Subsection (c) provides three circumstances as meeting this standard in all cases: severe or debilitating illness; active-duty or other military service; and natural disasters or declared emergencies that indefinitely affect a person's (or for a dependent, the person's parent's) residence or employment. Consistent with the Coordinating Board's approach to similar hardship provisions in its financial aid rules, the listed circumstances are not intended to be exhaustive; institutions are given leeway to identify individual students' circumstances as representing extreme financial hardship and act accordingly, provided they maintain proper documentation of this decision.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the greater clarity in how emergency loans are administered by institutions of higher education. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rule will not require an increase or decrease in fees paid to the agency;

(5) the rule will not create a new rule;

(6) the rule will not limit an existing rule;

(7) the rule will not change the number of individuals subject to the rule; and

(8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 56.055, which provides the Coordinating Board with the authority to adopt rules relating to the forgiveness of emergency loans offered under that section.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter D.

§22.66. Loan Repayment Deferral and Forgiveness.

(a) Deferral. An institution may extend the time for repayment of loans for students who enroll in graduate or professional degree programs for up to three years, but not longer than one year beyond the time when the student fails to be enrolled in the institution on at least a half-time basis.

(b) Forgiveness for Total and Permanent Disability. An institution shall forgive an emergency loan to an individual who has been certified by a physician as having a total and permanent disability. Total and permanent disability means the borrower is:

(1) Unable [~~unable~~] to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death, that has lasted for a continuous period of not less than 60 months, or that can be expected to last for a continuous period of not less than 60 months; or

(2) A [~~the applicant is a~~] veteran who has been determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected disability.

(c) Forgiveness for Extreme Financial Hardship. An institution shall forgive an emergency loan to an individual whom the institution determines has encountered extreme financial hardship after the loan was made that impacts the student's ability to timely repay the loan. Causes of extreme financial hardship may include, but are not limited to:

(1) The student's severe illness or other debilitating condition;

(2) The student's active duty or other service in the United States armed forces or active duty in the Texas National Guard; or

(3) The student's residence or employment or, if the student is a dependent, the student's parent's residence or employment, having been indefinitely impacted as a result of a natural disaster or declared emergency.

(d) [~~(c)~~] An institution shall maintain documentation justifying the deferral of repayments or the forgiveness of emergency loans for review by the State Auditor.

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

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Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6495

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PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY SUBCHAPTER EE. COMMISSIONER'S RULES ON PREVENTION, AWARENESS, AND REPORTING OF CHILD ABUSE OR NEGLECT, INCLUDING TRAFFICKING OF A CHILD

19 TAC §103.1401, §103.1402

The Texas Education Agency (TEA) proposes an amendment to §103.1401 and new §103.1402, concerning prevention, awareness, and reporting of child abuse or neglect, including trafficking of a child. The proposed amendment to §103.1401 would add and clarify definitions; update the timeline to report abuse and neglect of a student from 48 hours to 24 hours to align with Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025; and expand the requirements for school system policies on reporting child abuse and neglect. New §103.1402 would establish the procedures for investigating school systems' compliance with laws regarding reporting child abuse and neglect.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 103.1401, Reporting Child Abuse or Neglect, Including Trafficking of a Child, relates to the reporting of child abuse and neglect and related training requirements for school districts and open-enrollment charter schools. The proposed amendment to §103.1401(a) would clarify the definition for child abuse and neglect and add definitions for child abuse, law enforcement agency, and neglect for the purpose of Chapter 103, Subchapter EE. The proposed amendment to §103.1401(b)(1) would reduce the timeline to report abuse and neglect of a student from 48 hours to 24 hours to align with SB 571, 89th Texas Legislature, Regular Session, 2025. Proposed new §103.1401(b)(9) would require school system policies on addressing sexual abuse, trafficking, and other maltreatment of children to include safeguards requiring transparency in digital communications between school employees and students. The proposed amendment to §103.1401(c) would require local education agencies (LEAs) to make available on the LEA website the policies for reporting child abuse and neglect adopted by the board of trustees.

Proposed new §103.1402, Compliance Monitoring; Agency Review and Investigation, would implement SB 571, 89th Texas Legislature, Regular Session, 2025, by establishing the procedures for investigating school systems' compliance with laws regarding reporting child abuse and neglect. Proposed new subsection (a) would define appropriate investigative protocols. Proposed new subsection (b) would establish TEA's responsibility to review records of school systems and the investigations conducted by school systems to ensure compliance with appropriate protocols and cooperation with law enforcement agencies and state agencies. Proposed new subsection (c) would establish that TEA may investigate regardless of whether a complaint has been filed. Proposed new subsection (d) would establish the provisions that govern compliance monitoring and review, and proposed new subsection (e) would establish the circumstances under which TEA may escalate or refer actions and the process for doing so.

FISCAL IMPACT: Ashley Jernigan, associate commissioner for compliance and investigations, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by updating the requirements for school district policies related to reporting child abuse and neglect to align with statute. The proposed rulemaking would also create a new regulation regarding compliance monitoring, review, and investigation of school systems' compliance with laws on reporting child abuse and neglect.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not limit or repeal an existing regulation; would not increase or decrease the number

of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Jernigan has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to implement legislation and ensure that rule language is based on current law. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins July 10, 2026, and ends August 10, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on July 10, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/laws-and-rules/commissioner-rules-tac/proposed-commissioner-education-rules.

STATUTORY AUTHORITY. The amendment and new section are proposed under Texas Education Code (TEC), §22A.051(a)(2)(A), (B), (C), and (D), as transferred, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, establishes the requirements to report educator misconduct and provides the commissioner of education with the authority to review records of an educational entity to ensure compliance with the required reporting of educator misconduct; TEC, §22A.156, as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which provides the Texas Education Agency (TEA) with compliance monitoring and investigative authority related to misconduct by employees and contractors of educational entities; TEC, §37.086, as amended by SB 2069, 88th Texas Legislature, Regular Session, 2023, which requires each public school to post warning signs describing the increased penalties for trafficking of persons under Texas Penal Code, §20A.02(b-1); TEC, §38.004, which requires TEA to develop a policy governing the reports of child abuse or neglect; and TEC, §38.0041, which requires school districts and open-enrollment charter schools to adopt and implement policies addressing sexual abuse, sex trafficking, and other maltreatment of children.

CROSS REFERENCE TO STATUTE. The amendment and new section implement Texas Education Code, §22A.051(a)(2)(A), (B), (C), and (D), as transferred, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025; §22A.156, as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; §37.086, as amended by SB 2069, 88th Texas Legislature, Regular Session, 2023; §38.004; and §38.0041.

§103.1401. Reporting Child Abuse or Neglect, Including Trafficking of a Child.

(a) The following words and terms, when used in this subchapter, have the following meanings.

(1) Child abuse--This term has the meaning assigned by Texas Family Code, §261.001(1).

(2) [~~(1)~~] Child abuse or neglect--This phrase [~~The definition of child abuse or neglect~~] includes the trafficking of a child in accordance with Texas Education Code (TEC), §38.004.

(3) Law enforcement agency--This term has the meaning assigned by TEC, §22A.154.

(4) Neglect--This term has the meaning assigned by Texas Family Code, §261.001(4).

(5) [~~(2)~~] Other maltreatment--This term has the meaning assigned by Human Resources Code, §42.002.

(6) [~~(3)~~] Trafficking of a child--This term has the meaning assigned by Texas Penal Code, §20A.02(a)(5), (6), (7), or (8).

(b) The board of trustees of a school district or governing body of an open-enrollment charter school shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements outlined in Texas Family Code, Chapter 261.

(1) The policies must require that every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect submit a written or oral report to at least one of the following authorities within 24 [~~48~~] hours or less, as determined by the board of trustees, after learning of facts giving rise to the suspicion:

(A) a [~~local or state~~] law enforcement agency;

(B) the Texas Department of Family and Protective Services, Child Protective Services Division;

(C) a local office of Child Protective Services, where available; or

(D) the state agency that operates, licenses, certifies, or registers the facility in which the alleged child abuse or neglect occurred.

(2) The policies must require a report to the Texas Department of Family and Protective Services if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

(A) penalties under Texas Penal Code, §39.06; Texas Family Code, §261.109; and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) for failure to submit a required report of child abuse or neglect;

(B) applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including the following:

(i) Texas Family Code, §261.302 and §261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

(ii) Texas Family Code, §261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator;

(C) immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

(D) oral reports made to the Texas Department of Family and Protective Services are recorded;

(E) confidentiality provisions relating to reports of suspected child abuse or neglect, including the following:

(i) the requirement for the individual making the report to provide the individual's [~~his or her~~] name and telephone number;

(ii) the requirement for the individual making the report to provide the individual's [~~his or her~~] home address or, if the individual making the report is a school employee, agent, or contractor, provide the individual's [~~his or her~~] business address and profession; and

(iii) the limited circumstances under which the identity of the individual making a report may be disclosed;

(F) any disciplinary action that may result from noncompliance with the district's reporting policy;

(G) the prohibition under TEC, §26.0091, against using or threatening to use the refusal to consent to administration of a psychotropic drug to a child or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, except as authorized by TEC, §26.0091; and

(H) the Texas Department of Family and Protective Services is not authorized to accept an anonymous report of abuse or neglect.

(3) Each school district and open-enrollment charter school shall adopt and implement a policy addressing sexual abuse, trafficking, and other maltreatment of children. The policy must be included in any informational handbook provided to students and parents and must address the following:

(A) methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;

(B) actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and

(C) available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

(4) The policies must be consistent with Texas Family Code, Chapter 261, and 40 TAC Chapter 700 (relating to Child Protective Services) regarding investigations by the Texas Department of Family and Protective Services, including regulations governing investigation of abuse by school personnel and volunteers.

(5) The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator prior to making a report to one of the agencies identified in paragraph (1) of this subsection.

(6) The policies must include the current toll-free telephone number of the Texas Department of Family and Protective Services.

(7) The policies must provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by the Texas Department of Family and Protective Services.

(8) The policies must include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

(9) The policies must include safeguards requiring transparency in digital communications between school employees and students, including a prohibition on contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernable professional purpose.

(c) The policies required by this section and adopted by the board of trustees shall be distributed to all school personnel at the beginning of each school year and made available on the website of the local education agency. The policies shall be addressed in staff development programs at regular intervals determined by the board of trustees.

(d) Training concerning prevention techniques for, and recognition of, sexual abuse, trafficking, and all other maltreatment of children, including the sexual abuse, trafficking, and other maltreatment of children with significant cognitive disabilities, must be provided as a part of new employee orientation to all new school district and open-enrollment charter school employees as required by TEC, §38.0041.

(1) The training must include:

(A) factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;

(B) warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;

(C) internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;

(D) techniques for reducing a child's risk for sexual abuse, trafficking, or other maltreatment; and

(E) information on community organizations that have relevant research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff, students, and parents.

(2) Each school district and open-enrollment charter school must maintain records that include the name of each staff member who participated in training.

(3) To the extent that resources are not yet available from the Texas Education Agency or commissioner of education, school district and open-enrollment charter schools shall implement the policies and trainings with existing or publicly available resources. The school district or open-enrollment charter school may also work in conjunction with a community organization to provide the training at no cost to the district or charter school.

(e) Using a format and language that is clear, simple, and understandable to students, each public school and open-enrollment charter school shall post, in English and in Spanish:

(1) the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number;

(2) instructions to call 911 for emergencies; and

(3) directions for accessing the Texas Department of Family and Protective Services website (www.txabusehotline.org) for more information on reporting abuse, neglect, and exploitation.

(f) School districts and open-enrollment charter schools shall post the information specified in subsection (e) of this section at each school campus in at least one high-traffic, highly and clearly visible

public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

§103.1402. Compliance Monitoring; Agency Review and Investigation.

(a) When used in this section, the term "appropriate investigative protocols" means, for purposes of Texas Education Code (TEC), §22A.156, the minimum procedural standards expected of an educational entity, as defined by TEC, §22A.001(3), when conducting an internal investigation into allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D). At a minimum, appropriate investigative protocols include procedures that are reasonably designed and effectively implemented to:

(1) ensure all required reports and notifications are made to the Texas Department of Family and Protective Services, law enforcement, and the Texas Education Agency (TEA) within the timeframes and in the manner required by law;

(2) preserve and maintain investigative records sufficient to permit TEA review, including, but not limited to, documentation of actions taken and decisions made;

(3) provide for cooperation with investigations conducted by the Texas Department of Family and Protective Services, law enforcement, or TEA and avoid actions that may interfere with those investigations;

(4) include reasonable measures to protect student safety during the pendency of the investigation; and

(5) be conducted in an objective manner that avoids bias, undue influence, or favoritism and prioritizes student safety throughout the investigative process.

(b) As required by TEC, §22A.156, TEA shall:

(1) periodically review the records of educational entities to ensure compliance with TEC, §22A.151(b); and

(2) review the investigations conducted by educational entities involving allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), to ensure the investigations are conducted using appropriate investigative protocols, including when cooperating with a law enforcement agency or the Texas Department of Family and Protective Services in accordance with the policy adopted under TEC, §38.004. If TEA determines that an educational entity failed to follow appropriate investigative protocols, the commissioner of education may authorize a special investigation under TEC, §39.003.

(c) TEA may directly investigate allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), regardless of whether a report or complaint was filed with TEA.

(d) The following provisions govern compliance monitoring and review by TEA.

(1) TEA may conduct compliance monitoring to evaluate whether an educational entity has complied with:

(A) reporting requirements under TEC, Chapter 22A;

(B) cooperation and investigative protocol requirements under TEC, §22A.156, and this chapter; and

(C) applicable policies adopted under TEC, §38.004.

(2) Compliance monitoring under this section may include review of:

(A) reports, complaints, or data submitted to TEA;

(B) documentation related to reporting timelines, notifications, or investigative actions; and

(C) policies, training records, or investigative materials necessary to assess compliance.

(3) Compliance monitoring conducted under this subsection does not constitute a determination regarding the occurrence of abuse, neglect, or misconduct under the Texas Penal Code or Texas Family Code.

(4) An educational entity shall cooperate with compliance monitoring conducted by TEA and shall provide requested records or information within the timeframe specified by TEA, unless otherwise extended by TEA.

(e) TEA may take escalation or referral actions as provided in this subsection.

(1) Based on the results of compliance monitoring, TEA may:

(A) issue advisory guidance;

(B) initiate a compliance review;

(C) issue a formal notice of noncompliance; or

(D) require remedial training or other corrective action or take other action authorized by law.

(2) TEA may escalate its response on the basis of findings determined during compliance monitoring, including initiation of a compliance review or referral of the matter for further action.

(3) Escalation under this subsection may be warranted when TEA identifies circumstances including, but not limited to, substantial or repeated reporting delays; failure to follow appropriate investigative protocols under TEC, §22A.156, or this chapter; failure to cooperate with TEA review; systemic or pattern-based noncompliance; or conduct indicating concealment, interference, or disregard of statutory duties, or as determined by the commissioner.

(4) If TEA determines that an educational entity failed to follow appropriate investigative protocols, the commissioner may authorize a special investigation under TEC, §39.003.

(5) When information identified during compliance monitoring or review indicates potential educator misconduct or administrator culpability, TEA may refer the matter to the State Board for Educator Certification or appropriate division within TEA for investigation or enforcement, as authorized under applicable law.

(6) When information identified during compliance monitoring or review indicates a failure to comply with mandatory reporting laws or the presence of potential criminal conduct, TEA may refer the matter to law enforcement or the Texas Department of Family and Protective Services, in accordance with applicable statutory reporting requirements, as appropriate.

(7) Nothing in this section limits the authority of TEA or the commissioner to take any other action authorized by statute, including coordination among divisions or with external agencies, as appropriate.

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

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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CHAPTER 129. STUDENT ATTENDANCE
SUBCHAPTER AA. COMMISSIONER'S RULES

19 TAC §129.1025

The Texas Education Agency (TEA) proposes an amendment to §129.1025, concerning the student attendance accounting handbook. The proposed amendment would adopt by reference the *2026-2027 Student Attendance Accounting Handbook* (SAAH). The handbook provides student attendance accounting rules for school districts and charter schools.

BACKGROUND INFORMATION AND JUSTIFICATION: TEA has adopted the SAAH by reference in rule since 2001. Attendance accounting evolves from year to year, so §129.1025 is updated at least annually to refer to the most recently adopted SAAH.

Each edition of the SAAH provides school districts and charter schools with Foundation School Program (FSP) eligibility requirements for all students, prescribes the minimum requirements for all student attendance accounting systems, lists the documentation requirements for attendance audit purposes, and details the responsibilities of all district personnel involved in student attendance accounting. TEA distributes FSP resources under the procedures specified in each current SAAH, which is published on the TEA website. Supplements, if necessary, are also published on the TEA website.

The proposed amendment to §129.1025 would adopt by reference the SAAH for the 2026-2027 school year. The proposed handbook is available on the TEA website at https://tea.texas.gov/data-reports/financial-compliance/student-attendance-accounting-handbook.

At the time of this proposal, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on Texas Education Code (TEC), §§48.102, 48.1021, and 48.1022, which become effective on September 1, 2026. Readers are advised to coordinate all references to special education throughout the proposed handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the Texas Administrative Code (TAC), which will be posted on the TEA website as they are effective.

The *2026-2027 Student Attendance Accounting Handbook* would include the following significant changes.

The proposed changes to Section 1, Overview, would emphasize that all special education references should be reviewed in conjunction with current TEA transition materials and adopted TAC rules.

The proposed changes to Section 3, General Attendance Requirements, would include adding references to new TEC, Chapter 30B, in Section 3.6.3; clarifying that students who have met all diploma requirements are not eligible to generate average daily attendance (ADA), with specified exceptions; and reflecting the repeal of the prohibition on receiving both Additional Days School Year (ADSY) and Senate Bill (SB) 1882 funds, allowing districts to receive both.

The proposed changes to Section 4, Special Education, would provide detail about funding for special education in the 2026-2027 school year and the special education funding transition. The changes would also clarify early childhood special education (ECSE) service eligibility, homebound service hours, and current practices.

The proposed changes to Section 5, Career and Technical Education (CTE), would provide detail about the increase in funding that aligns the handbook with House Bill (HB) 120, 89th Texas Legislature, Regular Session, 2025, and would clarify that CTE contact hours should be based on the days CTE course are scheduled. Changes would also include clarification on CTE weighted funding calculations.

The proposed changes to Section 11, Non-Traditional Programs, would provide for funded virtual education for the Optional Flexible School Day Program (OFSDP) to align the handbook with SB 569, 89th Texas Legislature, Regular Session, 2025. The ADSY program would add two ADSY days beyond the required 25 in order for school systems to access the three-quarter-day formula funding provided in statute. Additional proposed changes would decrease the 180 ADSY calendar to 175 days to align the handbook with HB 2, 89th Texas Legislature, Regular Session, 2025. Further proposed changes would remove provisions preventing a district from drawing down both ADSY and SB 1882 funds, as that limitation is no longer included in TEC, §48.252. Other proposed changes to Section 11 would prohibit requiring a student enrolled in an early college high school (ECHS) or Pathways in Technology Early College High School (P-TECH) course for high school graduation credit to pay for tuition, fees, or required textbooks.

The proposed changes to Section 12, Virtual, Remote, and Electronic Instruction, would modify language to reflect the new funding and attendance methods established by SB 569 and reflect the addition of the newly created virtual and hybrid education options for funding in TEC, Chapter 30B.

The proposed changes to Section 13, the Appendix and the Glossary, would update glossary terms and weighted funding calculations.

A document detailing all proposed changes to the *2026-2027 Student Attendance Accounting Handbook* is available on the TEA website at https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook.

FISCAL IMPACT: Amy Copeland, associate commissioner of school finance and chief school finance officer, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural commu-

nities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand and limit an existing regulation. The proposed changes to the *2026-2027 Student Attendance Accounting Handbook* would amend requirements and provide clarity regarding student attendance accounting procedures. In some instances, the proposed changes would add information, and in some instances, information would be removed.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Copeland has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be informing the public of the existence of annual publications specifying attendance accounting procedures for school districts and charter schools. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins July 10, 2026, and ends August 10, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on July 10, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/.

STATUTORY AUTHORITY. The amendment is proposed under TEC, §7.055(b)(35), which states that the commissioner shall perform duties in connection with FSP as prescribed by TEC, Chapter 48; TEC, §12.251, as added by SB 2032, 88th Texas Legislature, Regular Session, 2023, which states the definition of adult high school charter school programs; TEC, §25.001, as amended by SB 1008, 88th Texas Legislature, Regular Session, 2023, and HB 2757 and SB 226, 89th Texas Legislature, Regular Session, 2025, which states that a school district must allow for an active duty member of the armed forces of the United States to be allowed 90 days to provide proof of residency; TEC, §25.0344, as added by HB 1959, 88th Texas Legislature, Regular Session, 2023, which states that a parent serving as a peace officer or service member may request a transfer to a district and campus of their choice; TEC, §25.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025, which states that, for each school year, each school district must operate so that the district provides for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses, for students. TEC, §25.081(d), authorizes the commissioner to adopt rules to implement the section. TEC, §25.081(g), states that a school district may not provide student instruction on Memorial Day but that if a school district would be required to provide student instruction on Memorial Day to compensate for minutes of instruction lost because of school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity, the commissioner shall approve the instruction of students for fewer than the number of minutes required under TEC, §25.081(a); TEC, §25.0812, which states that school districts may not schedule the last day of school for students before May 15; TEC, §25.087, as amended by HB 367 and SB 1049, 89th Texas Legislature, Regular Session, 2025, which provides purposes for which a school district shall excuse a student from attending school; TEC, §25.0875, as added by SB 1049, 89th Texas Legislature, Regular Session, 2025, which provides purposes for which a school district shall excuse a student from attending school for a released time course; TEC, §28.02124, as amended by HB 3803, 88th Texas Legislature, Regular Session, 2023, which states that a parent may request that a student repeat a course for high school credit; TEC, §29.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025, which states that attendance accounting and FSP funding for OFSDP participation may be generated through a remote or hybrid dropout recovery education program; TEC, §29.0822, which enables a school district to provide a program that meets the needs of students described by TEC, §29.0822(a), for a school district that meets application requirements, including allowing a student to enroll in a dropout recovery program in which courses are conducted online, and authorizes the commissioner to adopt rules for the administration of the section; TEC, §30A.153, as that section existed before repeal by SB 569, 89th Texas Legislature, Regular Session, 2025, which states that, subject to the limitation imposed under TEC, §30A.153(a-1), a school district or open-enrollment charter school in which a student is enrolled is entitled to funding under TEC, Chapter 48, or in accordance with the terms of a charter granted under TEC, §12.101, for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course. TEC, §30A.153(d), authorizes the

commissioner to adopt rules necessary to implement the section, including rules regarding student attendance accounting. SB 569, Section 15, allows a school district or open-enrollment charter school to continue providing a course or full-time program under TEC, Chapter 30A, until the end of the 2026-2027 school year; TEC, §37.005, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which states that there is no limit to the number of days a student may be assigned to in-school suspension; TEC, §48.004, as amended by HB 2, 89th Texas Legislature, 2025, which states that the commissioner shall adopt rules, take action, and require reports consistent with TEC, Chapter 48, as necessary to implement and administer the FSP; TEC, §48.005, as amended by SB 569, 89th Texas Legislature, Regular Session, 2025, which states that ADA is the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under TEC, §25.081(a), divided by the minimum number of days of instruction. TEC, §48.005(m), authorizes the commissioner to adopt rules necessary to implement the section. Subsections (m-1) and (m-2) address virtual or remote instruction-related funding; TEC, §48.102, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026, which states that for each student in ADA in a special education program under TEC, Chapter 29, Subchapter A, in a mainstream instructional arrangement, a school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 1.15. For each full-time equivalent student ADA attendance in a special education program under TEC, Chapter 29, Subchapter A, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to its instructional arrangement; TEC, §48.103, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026, which states that for each student that a district serves who has been identified as having dyslexia or a related disorder, the district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 or a greater amount provided by appropriation; TEC, §48.104, as amended by HB 2, 89th Texas Legislature, 2025, which states that for each student who does not have a disability and resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.2 or, if the student is educationally disadvantaged, 0.275. For each full-time equivalent student who is in a remedial and support program under TEC, §29.081, because the student is pregnant, a district is entitled to an annual allotment equal to the basic allotment multiplied 2.41; TEC, §48.105, as amended by SB 2185 and HB 2, 89th Texas Legislature, 2025, which states that for each student in ADA in a bilingual education or special language program under TEC, Chapter 29, Subchapter B, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1 or 0.15 if the student is in a bilingual education program using a dual language immersion/one-way or two-way program model, and for students not described in subdivision (1), 0.05 if the student is in bilingual education program using a dual language immersion/two-way program model; TEC, §48.106, as amended HB 120 and HB 2, 89th Texas Legislature, 2025, which states that for each full-time equivalent student in ADA in an approved career and technology education program in Grades 7-12 or in career and technology education programs, a district is entitled to an annual allotment equal to the basic allotment multiplied by a weight of 1.35 and $50 for each student that is enrolled in two or more advanced career and technology classes for a total of three or more credits; a campus designated as a P-TECH school under TEC, §29.556; or a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education; TEC, §48.108, as amended by HB 2, 89th Texas Legislature, 2025, which states that for each student in ADA in Kindergarten-Grade 3, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is educationally disadvantaged or a student of limited English proficiency, as defined by TEC, §29.052, and in bilingual education or special language program under TEC, Chapter 29, Subchapter B; TEC, §48.109, which states that for each student in the gifted and talented category, the district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days. Not more than five percent of a district's students in ADA are eligible for funding under this section. If the state funds exceed the amount of state funds appropriated in any year for the programs, the commissioner shall reduce the districts tier one allotment. If funds are less than the total amount appropriated for the school year, the commissioner shall transfer the remainder to any program. After each district has received allotted funds for this program, the State Board of Education may use up to $500,000 of the funds allocated under this section for other programs; TEC, §48.270, which states that when, in the opinion of the agency's director of school audits, audits or reviews of accounting, enrollment, or other records of a school district reveal deliberate falsification of the records, or violation of the provisions of TEC, Chapter 48, through which the district's share of state funds allocated under the authority of this chapter would be, or has been, illegally increased, the director shall promptly and fully report the fact to the State Board of Education, the state auditor, and the appropriate county attorney, district attorney, or criminal district attorney; and TEC, §49.204, which states that a school district with a local revenue in excess of entitlement may reduce the district's local revenue level by serving nonresident students who transfer to the district and are educated by the district, but who are not charged tuition.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§7.055(b)(35); 12.251, as added by SB 2032, 88th Texas Legislature, Regular Session, 2023; 25.001, as amended by SB 1008, 88th Texas Legislature, Regular Session, 2023, and HB 2757 and SB 226, 89th Texas Legislature, Regular Session, 2025; 25.0344, as added by HB 1959, 88th Texas Legislature, Regular Session, 2023; 25.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025; 25.0812; 25.087, as amended by HB 367 and SB 1049, 89th Texas Legislature, Regular Session, 2025; 25.0875, as added by SB 1049, 89th Texas Legislature, Regular Session, 2025; 28.02124, as amended by HB 3803, 88th Texas Legislature, Regular Session, 2023; 29.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025; 29.0822; 30A.153, as that section existed before repeal by SB 569, 89th Texas Legislature, Regular Session, 2025; 37.005, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; 48.004, as amended by HB 2, 89th Texas Legislature, 2025; 48.005, as amended by SB 569, 89th Texas Legislature, Regular Session, 2025; 48.102, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026; 48.103,

as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026; 48.104, as amended by HB 2, 89th Texas Legislature, 2025; 48.105, as amended by SB 2185 and HB 2, 89th Texas Legislature, 2025; 48.106, as amended HB 120 and HB 2, 89th Texas Legislature, 2025; 48.108, as amended by HB 2, 89th Texas Legislature, 2025; 48.109; 48.270; and 49.204.

§129.1025. Adoption by Reference: Student Attendance Accounting Handbook.

(a) The student attendance accounting guidelines and procedures established by the commissioner of education under §129.21 of this title (relating to Requirements for Student Attendance Accounting for State Funding Purposes) and the Texas Education Code, §48.004, to be used by school districts and charter schools to maintain records and make reports on student attendance and student participation in special programs will be published annually.

(b) The standard procedures that school districts and charter schools must use to maintain records and make reports on student attendance and student participation in special programs for school year 2026-2027 [~~2025-2026~~] are described in the official Texas Education Agency (TEA) publication *2026-2027* [~~*2025-2026*~~] *Student Attendance Accounting Handbook,* which is adopted by this reference as the agency's official rule. A copy of the *2026-2027* [~~*2025-2026*~~] *Student Attendance Accounting Handbook* is available on the TEA website with information related to financial compliance. The commissioner will amend the *2026-2027* [~~*2025-2026*~~] *Student Attendance Accounting Handbook* by reference and amend this subsection, as needed.

(c) Data from previous school years will continue to be subject to the student attendance accounting handbook as the handbook existed in those years.

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 June 29, 2026.

TRD-202602673
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 160. GENERAL PROVISIONS

SUBCHAPTER A. GENERAL

22 TAC §160.8

The Texas Medical Board (Board) proposes new §160.8, concerning Employee Training and Education.

The proposed new §160.8, relating to Employee Training and Education, authorizes reimbursement of training and education expenses consistent with Subchapters C and D, Chapter 656, Texas Government Code.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed new rule is in effect, the public benefit anticipated as a result of enforcing the proposed new rule will be to provide agency employees an opportunity to qualify for reimbursement of training and education expenses.

Mr. Freshour has also determined that for the first five-year period the proposed new rule is in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed new rule.

Mr. Freshour has also determined that for the first five-year period the proposed new rule is in effect there will be no probable economic cost to individuals required to comply with the proposed new rule.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for the proposed new rule and determined that for each year of the first five years the proposed new rule will be in effect there will be no effect on small businesses, micro businesses, or rural communities.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed and the agency has determined that for each year of the first five years the proposed new rule is in effect:

(1) there is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering the proposed new rule;

(2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering the proposed new rule;

(3) there is no estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering the proposed new rule; and

(4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering the proposed new rule.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years the proposed new rule will be in effect, there will be no effect on local economy and local employment.

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed new rule. For each year of the first five years the proposed new rule will be in effect, Mr. Freshour has determined the following:

(1) The proposed new rule does not create or eliminate a government program.

(2) Implementation of the proposed new rule does not require the creation of new employee positions or the elimination of existing employee positions.

(3) Implementation of the proposed new rule does not require an increase or decrease in future legislative appropriations to the agency.

(4) The proposed new rule does not require an increase or decrease in fees paid to the agency.

(5) The proposed new rule does create a new regulation.

(6) The proposed new rule does not repeal existing regulations as described above. The proposed new rule does not expand or limit an existing regulation.

(7) The proposed new rule does not increase the number of individuals subject to the rules' applicability.

(8) The proposed new rule does not positively or adversely affect this state's economy.

Comments on the proposals may be submitted using this link: https://forms.cloud.microsoft/g/qfnjLgv3AB or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The new rule is proposed under the authority of Texas Occupations Code §153.001, which provides authority for the Board to adopt rules necessary to administer and enforce the Medical Practice Act and to adopt rules necessary to perform its duties.

The proposed new rule is also proposed pursuant to requirements set forth in Subchapters C and D, Chapter 656, Texas Government Code and requires the Board to adopt rules to implement such sections in Texas Government Code, Chapter 656, including §656.048.

No other statutes, articles or codes are affected by this proposal.

§160.8. Employee Training and Education.

(a) The Board may use state funds to provide education and training for its employees in accordance with the State Employees Training Act, Texas Government Code §§656.041 - 656.049.

(b) The agency shall adopt policies related to training for Board employees, including eligibility, approval and obligations assumed upon completion.

(c) Participation in an education or training program requires the appropriate level of approval prior to participation and is subject to the availability of funds within the Board's budget.

(d) In accordance with Texas Government Code Chapter 656, Subchapter C, the Board will only reimburse an employee for tuition expenses for a program or course successfully completed at an accredited institution of higher education.

(e) Approval to participate in any portion of the Board's education and training program shall not in any way affect an employee's at-will status or constitute a guarantee or indication of continued employment, nor shall it constitute a guarantee or indication of future employment in a current or prospective position.

(f) Permission to participate in any education and training program may be withdrawn at the discretion of the agency.

(g) An employee who completes training and education to obtain a degree or certification for which the Board has provided all or part of the required fees must agree in writing to fully repay the Board any amounts paid for educational assistance if the employee voluntarily terminates employment with the agency within one year after the course or courses are completed.

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 June 29, 2026.

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Scott Freshour
General Counsel
Texas Medical Board
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For further information, please call: (512) 305-7059

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CHAPTER 161. PHYSICIAN LICENSURE
SUBCHAPTER H. CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR LICENSE RENEWAL

22 TAC §161.35

The Texas Medical Board (Board) proposes amendments to Chapter 161, §161.35, concerning Continuing Medical Education (CME) Requirements for License Renewal.

These rules are mandated by the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Sections 156.057 and 156.061. The proposed amendments require licensed physicians to complete specified continuing medical education on forensic evidence collection as well as nutrition and metabolic health.

The proposed amendments to §161.35 are as follows:

Amendment to §161.35(a) adds paragraph (3)(A), requiring licensed physicians to complete two credit hours of CME in accordance with §156.057 of the Act and provides that the Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection. The bill requires the Medical Board to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Amendment to §161.35(a) adds paragraph (3)(B), requiring licensed physicians to complete one credit hour of CME, in accordance with §156.061 of the Act, in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee. The bill requires the Medical Board to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed sections are in effect, the public benefit anticipated as a result of enforcing these proposed sections will be to physician's knowledge about: 1) providing trauma-informed care for sexual assault survivors, community referrals, prophylactic medications, rights of sexual assault survivors, forensic medical examinations and forensic evidence collection methods; and 2) health and nutrition standards that promote healthy living for patients in Texas.

Mr. Freshour has also determined that for the first five-year period these proposed amendments are in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed sections.

Mr. Freshour has also determined that for the first five-year period these proposed amendments are in effect there will be no probable economic cost to individuals required to comply with these proposed sections.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for these pro-

posed amendments and determined that for each year of the first five years these proposed amendments will be in effect, there will be no effect on small businesses, micro businesses, or rural communities. The agency has considered alternative methods of achieving the purpose of these proposed amendments and found none.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed, and the agency has determined that for each year of the first five years these proposed amendments are in effect:

(1) there is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering these proposed amendments;

(2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering these proposed amendments;

(3) there is no estimated loss but there may be an increase in revenue to the state or to local governments as a result of enforcing or administering these proposed amendments; and

(4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering these proposed amendments.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years these proposed amendments will be in effect, there will be no effect on local economy and local employment.

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed amendments. For each year of the first five years the proposed amendments will be in effect, Mr. Freshour has determined the following:

(1) the proposed rules do not create or eliminate a government program;

(2) implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rules do not require an increase in fees paid to the agency;

(5) the proposed rules do create a new regulation;

(6) the proposed rules do not expand, limit, or repeal an existing regulation;

(7) the proposed rules do not increase the number of individuals subject to the rule's applicability; and

(8) the proposed rules do not positively affect this state's economy.

Comments on the proposals may be submitted using this link: https://forms.cloud.microsoft/g/q3HxhnfZn5 or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The proposed amendments to the rules are proposed pursuant to the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Section 156.057 and added new Texas Occupations Code Section 156.061. These Sections require the Board to adopt rules to implement such sections. Specifically, Texas Occupations Code, Section 153.001, provides authority for the Board to adopt rules necessary to administer and enforce the Medical Practice Act, adopt rules necessary to perform its duties and regulate the practice of medicine in this state. Texas Occupations Code, Sections 156.057 and 156.061, provide authority for the Board to recommend and adopt rules to implement these sections.

No other statutes, articles or codes are affected by this proposal.

§161.35. Continuing Medical Education (CME) Requirements for License Renewal.

(a) Forty-eight total CME credits are required, biennially, as follows:

(1) Minimum of 24 formal credits of AMA/PRA Category 1 designated by:

(A) the Accreditation Council for Continuing Medical Education;

(B) a state medical society recognized by the Committee for Review and Recognition of the Accreditation Council for Continuing Medical Education;

(C) the American Academy of Family Physicians;

(D) the AOA Category 1-A;

(E) the Texas Medical Association;

(F) the board, but only as it applies to medical ethics and/or professional responsibility; or

(G) a board-appointed physician performing a competency evaluation or practice monitoring of another physician, which may receive one (1) formal CME credit for each hour of time spent on these duties up to 12 hours.

(2) As part of the 24 formal credits, the following are required:

(A) a human trafficking prevention course, in accordance with §156.060 of the Act;

(B) two credits in the topic of medical ethics and/or professional responsibility; and

(C) two credits in accordance with §156.055 of the Act.

(3) Informal or Formal CME credits must include:

(A) two credits in accordance with §156.057 of the Act. The Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection; and

(B) one credit in accordance with §156.061 of the Act in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee.

(4) [~~(3)~~] Remaining Informal CME credits may include:

(A) informal self-study; or

(B) attendance at hospital lectures, grand rounds, or case conferences.

(b) Alternate proof of CME compliance is presumed if the physician:

(1) meets the criteria set forth in §156.052 of the Act;

(2) is currently in a residency/fellowship training; or

(3) completed residency/fellowship training within six months prior to obtaining licensure.

(c) CME Deficiencies and Carry Forward Procedures:

(1) Any CME deficiency can be remedied within 30 days after registration renewal due.

(2) A maximum of 48 total excess credits may be carried forward only to the next registration period; and

(3) Required formal credits described in subsection (a)(2) of this section cannot be carried forward.

(d) In accordance with §156.053 of the Act, exemptions from CME may be allowed upon a written request at least 30 days before renewal is due.

(e) Voluntary Charity Care CME requirements are reduced to twelve informal CME credits per biennium.

(f) In accordance with §323.0045 of the Health and Safety Code, recognized forensic examination CME must be:

(1) a formal category 1 course; or

(2) approved or recognized by the Texas Board of Nursing.

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 June 29, 2026.

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Scott Freshour
General Counsel
Texas Medical Board
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 305-7059

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CHAPTER 173. OFFICE-BASED ANESTHESIA SERVICES

SUBCHAPTER B. PARENTERAL KETAMINE THERAPY

22 TAC §§173.6 - 173.17

The Texas Medical Board (Board) proposes Chapter 173, Office-Based Anesthesia Services, new Subchapter B, titled Parenteral Ketamine Therapy, §§173.6 - 173.17.

The proposed new sections are as follows:

New §173.6, Definitions, sets forth definitions for "administration of ketamine", "adverse event", "initial dose", "medical director", "PKT practice", "psychotropic ketamine therapy (PKT)" and "practitioner."

New §173.7, Mandatory Registration, mandates registration for PKT Practices and sets forth an application procedure. The section further proposes a 180-day grace period for implementation of the requirements set forth under Chapter 173, Subchapter B, except for adverse reporting requirements under New §173.14, which must be met upon the effective date of the rule's adoption.

New §173.8, Exemptions from Registration, sets forth practice settings exempt from required registration and the rules promulgated under new Subchapter B.

New §173.9, Renewal of PKT Practice Registration, proposes a two-year registration term and sets forth registration renewal requirements.

New §173.10, Medical Director Requirements, sets forth medical director eligibility requirements, duties, and restrictions.

New §173.11, Operation of PKT Clinics, sets forth requirements for operation of PKT Practices. The rule includes limitations on the administration of psychotropic ketamine therapy to practitioners and RNs and outlines requirements that must be met before and during administration of PKT, including informed consent, pregnancy status verification for women of child-bearing age, and continuous monitoring. The new section sets forth practitioner-patient ratios that apply depending on the presence of a physician on-site.

New §173.12, Monitoring Requirements After the Completion of PKT Administration, sets forth monitoring requirements upon the completion of PKT administration and prior to discharge of the patient. The rule further sets forth a maximum practitioner-patient ratio of one monitoring delegate to every four patients.

New §173.13, Minimum Equipment and Medication Requirements, outlines the minimum equipment and medications that must be on-site at all times and readily available to manage adverse events.

New §173.14, Emergency Response Requirements and Adverse Event Reporting, sets forth requirements for medical directors or delegating physicians to respond to non-emergency consultations or emergency situations. The rule further requires that a PKT Practice maintain an adverse event reporting log and outlines minimum requirements for maintaining the log. The section further requires that the Medical Director must ensure the PKT Practice completes and submits to the Board, on a Board approved form, a written report within 24 hours of the following adverse events: (1) emergency transportation; or (2) death.

New §173.15, Prohibited PKT Administration, provides that PKT may not be administered outside of a registered clinic or an exempt setting set forth under §173.8 or prescribed for home use.

New §173.16, Complaints, provides that the Medical Director is responsible for the clinic's operations and patient care. The new rule further provides that the Medical Director must ensure compliance with all applicable statutes and regulations including 22 Texas Administrative Code §177.2 regarding posting instructions on how to file complaints with the Board.

New §173.17, Audits, Inspections, and Investigations, mandates that PKT practices be subject to audits, inspections and investigations as outlined in Chapter 172 of the Medical Board rules related to pain management clinics.

Mr. Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed new rules are in effect, the public benefit anticipated as a result of enforcing these proposed new rules will be to enhance the safety of the public health and welfare through the establishment of minimum standards for the provision of psychotropic ketamine therapy.

Mr. Freshour has also determined that for the first five-year period these proposed new rules are in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed sections.

Mr. Freshour has also determined that for the first five-year period these proposed new sections are in effect there may be a minimal economic cost to individuals required to comply with these proposed sections. Those economic costs will vary and may include the following: 1) new education and training requirements for ketamine clinic providers and staff; 2) possible increased staffing to meet requirements for the evaluation of patients and administering and monitoring of patients receiving PKT; and 3) costs related to purchasing equipment required for monitoring patients receiving PKT treatment. The expenditures described above will be one-time expenditures and may not apply if an individual subject to these rules already meets the requirements.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for these proposed new sections and determined that for each year of the first five years these proposed new sections will be in effect there will be no effect on small businesses, micro businesses, or rural communities. The agency has considered alternative methods of achieving the purpose of these proposed new sections and found none.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed, and the agency has determined that for each year of the first five years these proposed new sections are in effect:

(1) TMB is unable to determine how many clinics exist at this time; however, the initial registration function can likely be absorbed with existing resources. The subsequent enforcement, if any, is variable based on the number of complaints received. TMB also has inspection authority which will be conducted with existing resources in a manner similar to the existing office-based anesthesia inspections. There is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering these proposed new sections; the jurisdiction is exclusive to the Texas Medical Board.

(2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering these proposed new sections;

(3) there is no estimated loss and no increase in revenue to the state or to local governments as a result of enforcing or administering these proposed new sections; and

(4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering these proposed new sections.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years these proposed amendments will be in effect, there will be no effect on local economy and local employment.

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for these proposed new sections. For each year of the first five years these proposed new sections will be in effect, Mr. Freshour has determined the following:

(1) the proposed rules do not create or eliminate a government program;

(2) implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rules do not require an increase in fees paid to the agency;

(5) the proposed rules do create a new regulation;

(6) the proposed rules do not expand, limit, or repeal an existing regulation;

(7) the proposed rules do increase the number of individuals subject to the rule's applicability; and

(8) the proposed rules do not positively or adversely affect this state's economy.

Comments on the proposal may be submitted using this link: https://forms.cloud.microsoft/g/UjDqX3bLnn or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The proposed new rule(s) are proposed pursuant to Texas Occupations Code Section 153.001.

No other statutes, articles or codes are affected by this proposal.

§173.6. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

(1) Administration of Ketamine--The administration of parenteral ketamine (intravenous (IV), subcutaneous, and intramuscular (IM)) is the practice of medicine under Section 157.002 of the Medical Practice Act and is subject to regulation by the Texas Medical Board, including required registration under this Chapter.

(2) Adverse Event--Any event that requires or results in:

(A) emergency transportation;

(B) a compromised airway;

(C) resuscitative efforts on the patient;

(D) psychotropic events;

(E) hospitalization; or

(F) death.

(3) Initial dose--For purposes of Parenteral Ketamine Therapy (PKT) means the starting dose for any PKT is not to exceed 0.5mg/kilogram of body weight over a 40-minute period. This dose can be titrated up based upon protocol and clinical judgment in conjunction and consistent with appropriate physician consultation.

(4) Medical Director--For purposes of this rule the term Medical Director means the physician who provides medical oversight at a PKT Practice.

(5) PKT Practice--For purposes of this rule, a PKT practice is any medical practice, clinic, or facility that administers PKT and is not regulated or licensed by another Texas agency or commission.

(6) Practitioner--Means an APRN or PA for the purpose of this subchapter.

(7) Psychotropic Ketamine Therapy (PKT)--The administration of parenteral ketamine by a physician, or by an advanced practice registered nurse (APRN), physician assistant (PA), or registered nurse (RN) through a properly established physician-patient relationship under delegatory authority for psychiatric indications such as, but not limited to, post-traumatic stress disorder (PTSD), treatment-resis-

tant depression, severe anxiety, obsessive compulsive disorder (OCD), bipolar depression and suicidal ideation. The psychiatric indications may have been originally diagnosed by a physician or by an APRN, PA, or licensed mental health provider (PsyD, LPC, LPC-A, LCSW, LMSW, LMFT) under proper delegation and supervision. Any physician or practitioner establishing the doctor-patient relationship under delegatory authority for PKT administration is responsible for evaluating the diagnosis for psychiatric indications if not making the original diagnosis indicating PKT therapy. The dosages for the administration of PKT must always be intended at a level below moderate sedation.

§173.7. Mandatory Registration.

(a) Subject to the exceptions under §173.8 of this subchapter (relating to Exemptions from Registration), all PKT Practices must be registered by the Medical Director with the Board.

(b) Registration requires completion of a board-approved application filed by the Medical Director of the clinic, including providing all required information and documentation.

(c) Applications are valid for 180 days from the date of submission. If the applicant fails to timely provide all required information and documentation, the application will be deemed withdrawn.

(d) If the application is approved, the registration is good for two years from the date of approval.

(e) All PKT Practices must meet all requirements set forth under this subchapter no more than 180 days after the date of adoption of this rule.

(f) Notwithstanding subsection (e) of this section, all PKT Practices must comply with the adverse reporting requirements set forth in §173.14 of this subchapter (relating to Emergency Response Requirements and Adverse Event Reporting).

§173.8. Exemptions from Registration.

The following are exempt from registration and the rules promulgated under this subchapter:

(1) a medical school or an outpatient clinic associated with a medical school;

(2) a hospital, including any outpatient facility or clinic of a hospital;

(3) a facility maintained or operated by this state;

(4) a medical clinic maintained or operated by the United States;

(5) a health organization certified by the board under Section 162.001 of the Medical Practice Act; or

(6) a hospice program licensed by the Texas Health and Human Services Commission to administer ketamine to patients enrolled in such hospice programs.

§173.9. Renewal of PKT Practice Registration.

(a) Registration is effective for two years following the date of initial registration.

(b) At least 60 days prior to the expiration of the PKT registration, the Medical Director of the PKT Practice seeking renewal must submit:

(1) a board-approved application;

(2) an attestation stating that the PKT Practice complies with all applicable laws and board rules;

(3) the PKT Practice's adverse event log; and

(4) any other documentation required by the Board.

(c) Upon expiration of the current registration, the PKT Practice must cease PKT operations until the registration is renewed.

§173.10. Medical Director Requirements.

(a) To be eligible to act as a Medical Director, the physician must:

(1) hold a current, full, and unrestricted Texas medical license;

(2) have no prior disciplinary action or history regarding any medical license in any state, including Texas; and

(3) not have a pending investigation or a proceeding regarding their medical license in any state, including Texas.

(b) A Medical Director is subject to the following requirements and restrictions:

(1) The Medical Director must physically inspect and document the inspection of each location where PKT is administered:

(A) within seven days of becoming the Medical Director; and

(B) at least once every 90 days;

(2) The Medical Director's name, title, and license number must be:

(A) disclosed in writing to all patients;

(B) displayed in each public area and treatment room of the PKT Practice; and

(C) clearly identified on the PKT Practice's website and advertising;

(3) A PKT Practice may not administer PKT without a Medical Director designated in writing, with written confirmation of the designation by the Medical Director;

(4) The Medical Director need not be physically present at the PKT Practice except that the Medical Director must be:

(A) physically present in Texas while providers at the clinic are administering PKT; and

(B) immediately available for emergency consultation;

(5) The Medical Director must approve in writing all physicians, practitioners, and RNs administering PKT or monitoring PKT patients. The Medical Director may approve one or more additional physicians to be delegating and supervising physicians of practitioners and RNs at the PKT Practice;

(6) The Medical Director has concurrent responsibility for the delegation and supervision of all practitioners and RNs at the PKT practice even if those practitioners and RNs are administering PKT or monitoring PKT patients under the direction of an approved physician as described in paragraph (5) of this subsection;

(7) The Medical Director is prohibited from requiring any practitioner or RN to obtain a separate delegating and supervising physician; and

(8) The Medical Director may provide oversight at no more than three (3) medical practices, clinics, or facilities of any type.

(c) The Medical Director has overall responsibility and oversight for the care provided at the PKT Practice and must ensure:

(1) any physicians or practitioners ordering PKT must demonstrate current and on-going proficiency in the use of PKT

for psychiatric conditions, including but not limited to the possible adverse effects of treatment;

(2) the physician or practitioner ordering PKT has a properly established physician-patient relationship under delegatory authority, and has properly documented and diagnosed psychiatric indications supporting PKT;

(3) patient evaluation, administration of PKT, and patient monitoring is delivered in accordance with evidence-based protocols to treat diagnosed psychiatric indications with parenteral ketamine administration at dosages below moderate sedation, based on current peer-reviewed literature;

(4) the physician or practitioner ordering PKT has reviewed the Prescription Monitoring Program (PMP):

(A) upon establishing a physician-patient relationship with a new patient; and

(B) on at least a quarterly basis for existing patients;

(5) the practitioner ordering PKT is acting under protocols or standing delegation orders maintained at the location where the PKT is being administered;

(6) that all physicians, practitioners, and RNs administering PKT or monitoring a patient during and after administration of PKT have demonstrated current and on-going proficiency in managing adverse events as defined in this Subchapter; and

(7) that all standards under this Subchapter are being met and complied with by all physicians, practitioners, and RNs providing patient care.

§173.11. Operation of PKT Practices.

(a) A PKT Practice must have a Medical Director.

(b) A PKT Practice may have no more than one Medical Director at any time.

(c) The provision of PKT must comply with all applicable federal and state laws.

(d) The practitioner ordering PKT must have a properly established a physician-patient relationship under delegatory authority, and have properly evaluated, documented, and diagnosed psychiatric indication supporting PKT.

(e) PKT may only be administered by a physician or a practitioner or RN acting under appropriate delegation by a physician for psychiatric indication as identified in the definition of PKT. If an RN is administering PKT, a physician or practitioner must be physically present on site at all times.

(f) Prior to administration of PKT, the following must be completed and documented:

(1) informed consent from the patient, including:

(A) a discussion of known risks of PKT;

(B) the identity and licensure credentials of:

(i) the person administering PKT to the patient; and

(ii) the person delegating to and supervising the person in clause (i) of this subparagraph, if applicable; and

(2) a pregnancy test or written affirmation on the day of treatment from women of childbearing age that they are not pregnant; and

(3) a time out period must be utilized immediately prior to beginning administration of PKT.

(g) If the patient is simultaneously receiving ketamine treatment for any other medical condition, then protocols set forth by the Medical Director must require that the practitioner ordering or administering PKT:

(1) review the primary diagnosis and the standard of care that applies to that diagnosis;

(2) review the PMP before every treatment; and

(3) not exceed Initial Dose without consulting with the Medical Director or an approved physician.

(h) During PKT administration, continuous monitoring must include the following and be documented in the chart at minimum every 10 minutes:

(1) blood pressure;

(2) pulse;

(3) respiration;

(4) oxygen saturation;

(5) cardiovascular status by three-lead EKG; and

(6) appropriate responsiveness to verbal stimuli as documented by RASS or Aldrete Score.

(i) The following practitioner-patient ratios shall apply to administration of PKT:

(1) If a physician is on site:

(A) each practitioner may administer PKT to up to four patients at the same time; and

(B) an RN may administer PKT to up to two patients at a time; and

(2) If a physician is not on-site:

(A) a practitioner may administer PKT to up to three patients at the same time; and

(B) an RN may administer PKT to a single patient at a time.

(j) The administration of PKT is complete:

(1) upon completion of the IV drip; or

(2) 40 minutes after the completion of the IM or subcutaneous injection.

§173.12. Monitoring Requirements After Completion of PKT Administration.

(a) Upon completing administration of PKT to a patient, the following recovery and monitoring requirements must be completed prior to discharge of the patient:

(1) A minimum 30-minute observation period;

(2) at least two blood pressure readings 10 minutes apart; and

(3) a full cognitive assessment (including an Aldrete score).

(b) The recovery, monitoring, and discharge assessment of patients shall have a maximum practitioner-patient ratio of one monitoring delegate to every four patients.

§173.13. Minimum Equipment and Medication Requirements.

(a) The following items must be on-site at all times and readily available to manage adverse events:

(1) Supplemental oxygen;

(2) a bag-valve mask;

(3) an AED (or defibrillator); and

(4) a monitor with a quantitative end-tidal carbon dioxide analyzer.

(b) Medications must be maintained on-site for managing adverse events, including but not limited to:

(1) Airway management;

(2) Hemodynamic instability;

(3) Seizures; and

(4) Other possible psychotropic events.

§173.14. Emergency Response Requirements and Adverse Event Reporting.

(a) In cases requiring non-emergency consultation, a physician must be immediately available throughout administration of PKT:

(1) in-person at the location where PKT is being administered to the patient; or

(2) by two-way audiovisual technology.

(b) At all times when PKT is being administered, the PKT Practice must have a Medical Director or an approved physician who:

(1) has the reasonable ability to physically respond to the PKT clinic's location in an emergency situation in less time than the average emergency services response time for that location, as determined by the most recent data from the Texas Department of State Health Services; or

(2) has:

(A) clinical privileges at a local hospital with an emergency department that the patient would be transferred, or to a hospital with a local affiliation agreement, if local emergency services were called; and

(B) physical availability to go to a local hospital to manage the patient according to the local hospital's rules for credentialed physicians to timely see their admitted patients.

(c) Each PKT Practice must document each adverse event within 24 hours of the event, including outcomes, if known.

(d) Each PKT Practice must keep and maintain an adverse event reporting log containing all adverse events occurring at the PKT Practice for three (3) years.

(e) The adverse event reporting log must include the following information:

(1) the patient's name;

(2) the date of the adverse event;

(3) a list of personnel administering the PKT;

(4) a list of all physicians, practitioners, and RNs present at the location when the adverse event occurred;

(5) the type of adverse event; and

(6) the outcome, if known.

(f) The Medical Director must ensure the PKT Practice completes and submits to the Board, on a Board approved form, a written report within 24 hours of the following adverse events:

(1) emergency transportation; or

(2) death.

§173.15. Prohibited PKT Administration.

PKT may not be:

(1) administered outside of a registered clinic or an exempt setting set forth under §173.8 of this subchapter (relating to Exemptions from Registration); or

(2) prescribed for home use.

§173.16. Complaints.

(a) The Medical Director is responsible for the clinic's operations and patient care;

(b) The Medical Director must ensure compliance with all applicable statutes and regulations including 22 TAC §177.2 (relating to Mandatory Complaint Notification) regarding posting instructions on how to file complaints with the Board.

§173.17. Audits, Inspections, and Investigations.

PKT Practices are subject to audits, inspection, and investigations as outlined in 22 TAC §172.5 (relating to Audits, Inspections, and Investigations).

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

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Scott Freshour
General Counsel
Texas Medical Board
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For further information, please call: (512) 305-7059

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CHAPTER 183. PHYSICIAN ASSISTANTS
SUBCHAPTER B. LICENSING AND REGISTRATION

22 TAC §183.16

The Texas Medical Board (Board) proposes amendments to Chapter 183, §183.16, concerning Biennial Continuing Medical Education (CME) Requirements concerning Physician Assistants.

These rules are mandated by the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Sections 204.1563. The proposed amendments require licensed physician assistants to complete specified continuing medical education on forensic evidence collection as well as nutrition and metabolic health.

The proposed amendments to §183.16 are as follows:

Amendment to §183.16(a) adds paragraph (2)(A) requiring physician assistants to complete two credit hours of continuing medical education (CME) in accordance with § 204.1563 of the Act and provides that the Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection. The bill requires the Medical Board, on recommendations of the Physician Assistant Board, to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Amendment to §183.16(a) adds paragraph (2)(B) requiring physician assistants to complete one credit hour of continuing medical education (CME), in accordance with § 204.1563 of the Act, in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee. The bill requires the Medical Board on recommendations of the Physician Assistant Board to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing these proposed sections will be to physician assistant's knowledge about: 1) providing trauma-informed care for sexual assault survivors, community referrals, prophylactic medications, rights of sexual assault survivors, forensic medical examinations and forensic evidence collection methods; and 2) health and nutrition standards that promote healthy living for patients in Texas.

Mr. Freshour has also determined that for the first five-year period these proposed amendments are in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed sections.

Mr. Freshour has also determined that for the first five-year period these proposed new sections are in effect there will be no probable economic cost to individuals required to comply with these proposed sections.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for these proposed amendments and determined that for each year of the first five years these proposed amendments will be in effect, there will be no effect on small businesses, micro businesses, or rural communities. The agency has considered alternative methods of achieving the purpose of these proposed amendments and found none.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed, and the agency has determined that for each year of the first five years these proposed amendments are in effect:

(1) there is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering these proposed amendments;

(2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering these proposed amendments;

(3) there is no estimated loss but there may be an increase in revenue to the state or to local governments as a result of enforcing or administering these proposed amendments; and

(4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering these proposed amendments.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years these proposed amendments will be in effect, there will be no effect on local economy and local employment.

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed amendments. For each year of the first five years the proposed amendments will be in effect, Mr. Freshour has determined the following:

(1) the proposed rules do not create or eliminate a government program;

(2) implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rules do not require an increase in fees paid to the agency;

(5) the proposed rules do create a new regulation;

(6) the proposed rules do not expand, limit, or repeal an existing regulation;

(7) the proposed rules do not increase the number of individuals subject to the rule's applicability; and

(8) the proposed rules do not positively affect this state's economy.

Comments on the proposals may be submitted using this link: https://forms.cloud.microsoft/g/guVtCfFykf or e-mail comments to: rules.development@tmb.state.tx.us. A public hearing will be held at a later date.

The proposed amendment to the rules is proposed pursuant to the passage of HB47 and SB25 (89th Regular Legislative Session) which added new Texas Occupations Code Section 204.1563. This Section requires the Board to adopt rules to implement such sections. Specifically, Texas Occupations Code, Section 204.101, provides authority for the Board to adopt rules necessary to administer and enforce the Physician Assistant Licensing Act, adopt rules necessary to perform its duties and regulate the practice of medicine in this state and Texas Occupations Code, Section 204.1563, provide authority for the Board to recommend and adopt rules to implement these sections.

No other statutes, articles or codes are affected by this proposal.

§183.16. Biennial Continuing Medical Education (CME) Requirements.

(a) As part of registration renewal, a license holder must complete 40 hours of continuing medical education (CME) during the biennial renewal period.

(1) At least 20 hours must be from formal courses:

(A) designated for Category I credit by a CME sponsor approved by the American Academy of Physician Assistants; or

(B) approved by the board for course credit, including a human trafficking prevention course approved by the Executive Commissioner of the Texas Health and Human Services Commission.

(2) Informal or Formal CME credits must include:

(A) two credits in accordance with §204.1563 of the Act. The Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection.

(B) one credit in accordance with §204.1563 of the Act in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee.

(3) [~~(2)~~] The remaining hours may be designated for Category II credit, composed of informal self-study, attendance at hospital lectures, grand rounds, case conferences, or by providing volunteer medical services at a site serving a medically underserved population.

(b) Formal CME credit is allowed at the rate of 1 credit for each hour of time acting on behalf of the physician assistant board for evaluation of a physician assistant's competency or practice monitoring, up to a maximum of 6 hours per year, as part of the required formal hours.

(c) Military service members are subject to the same CME requirements but are allowed extensions in accordance with §55.003 of the Texas Occupations Code, if applicable.

(d) Carry forward of CME credit is allowed as follows:

(1) A maximum of 80 total excess credit hours may be carried forward and shall be reported according to whether the hours are Category I and/or Category II.

(2) Excess CME credit hours may not be carried forward or applied to a report of CME more than two years beyond the date of the biennial registration following the period during which the hours were earned. No hours may be carried forward past a single renewal period.

(e) Exemptions for CME requirements.

(1) Requests must be made in writing at least 30 days prior to expiration of the biennial renewal period for the following reasons:

(A) catastrophic illness;

(B) military service of longer than one year's duration outside the United States;

(C) licensee's residence of longer than one year's duration outside the United States; or

(D) other good cause.

(2) Exemptions are subject to the approval of the Executive Director of the board and may not exceed two years.

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 June 29, 2026.

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General Counsel
Texas Medical Board
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PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 206. ANATOMICAL FACILITIES, NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND WILLED BODY PROGRAMS

22 TAC §206.1

The Texas Funeral Service Commission (Commission or TFSC) proposes the repeal to §206.1, Jurisdiction of Board, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Commission has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Ms. Maria Haynes, TFSC Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program. The proposed repeal implements an existing program transferred to the Commission by Senate Bill 2040 (88th Leg., R.S.).

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Commission, nor in a decrease in fees paid to the Commission

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Because the agency has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Commission; therefore, no Takings Impact Assessment is required.

LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Commission has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the

repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Ms. Haynes has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit will be clearer and more current rules that define the scope of the chapter and the terms used throughout it, implementing Senate Bill 2040 and improving the regulated community's and the public's understanding of the rules. There will not be economic costs to individuals required to comply with the repealed section.

FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Ms. Haynes also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED REPEAL. The Texas Funeral Service Commission is requesting public comments on the proposed repeal and information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed repeal. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed repeal and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed repeal is proposed under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The proposed repeal is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed repeal is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.1. Jurisdiction of 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 June 26, 2026.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 936-2488

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22 TAC §206.1

The Texas Funeral Service Commission (Commission or TFSC) proposes new §206.1, Scope and Definitions, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. This proposed change is referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule rewrites the section to state the purpose and scope of the chapter and to consolidate the definitions used throughout the Commission's rules implementing Texas Health and Safety Code, Chapters 691 and 692A. The proposed rule identifies the material and persons regulated under the chapter, clarifies that microscopic and laboratory material governed by other law is not regulated as a body or gross anatomical specimen, and defines the terms used throughout the chapter, aligning them with Health and Safety Code §691.001. The proposed rule is necessary to implement Senate Bill 2040, provide a clear and current statement of the chapter's scope, and give the regulated community and the public consistent, plain-language definitions.

The proposed rules were presented to and discussed by the State Anatomical Advisory Committee at its meetings on May 13, 20, and 27, June 3 and 10, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule replaces the prior §206.1, which is repealed in a simultaneous rulemaking.

The new rule identifies the regulated material and the application of the chapter, including its application to a body whose recorded method of final disposition is "Donation" and to anatomical specimens used for purposes other than transplantation; clarifies that microscopic and laboratory material governed by other law is not regulated as a body or gross anatomical specimen; and defines the terms used throughout the chapter, consistent with Health and Safety Code §691.001.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, Texas Funeral Service Commission Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Because Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be clearer and more current rules that define the scope of the chapter and the terms used throughout it, implementing Senate Bill 2040 and improving the regulated community's and the public's understanding of the rules.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule does not create a new regulation.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The new rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The proposed rule is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

The legislation that enacted the statutory authority under which the new rule is new to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.1. Scope and Definitions.

(a) Purpose. This section establishes the scope of the material regulated under this chapter and defines terms used throughout the Commission's rules implementing Health and Safety Code Chapters 691 and 692A.

(b) Regulated material; application.

(1) This chapter applies to a body, and to each anatomical specimen derived from a body, when:

(A) the method of final disposition recorded on the certificate of death is "Donation" (see 25 TAC §181.14 (relating to Death and Fetal Death Certificate Form and Content) and the certificate of death prescribed by the Department of State Health Services);

(B) a non-transplant anatomical donation organization is the donee for the purpose of education or research under Chapters 691 or 692A, Health and Safety Code; or

(C) the body is otherwise lawfully donated to, delivered to or distributed by the Commission under Chapters 691 or 692A, Health and Safety Code, including a body delivered under §691.023 (duty to deliver certain bodies) or §691.026 (body of a traveler).

(2) This chapter does not apply to a body whose method of final disposition is burial, cremation, entombment, mausoleum, removal from state, or donation of organs or tissue for transplant.

(3) Microscopic and laboratory material derived from a body or specimen--including blood and blood components, fluids drawn for laboratory analysis, histologic, microscopic or brain specimens such as slides or paraffin blocks, cell or tissue cultures, and extracted nucleic acids--that is not regulated as a body or anatomical specimen under this chapter, to the extent it is governed by other law.

(4) Commercially acquired skeletal material for teaching purposes are not subject to this chapter.

(c) Definitions. The following words and terms have the following meanings when used in this chapter, unless the context clearly indicates otherwise. A term not defined here has the meaning given in Health and Safety Code §691.001.

(1) "AATB" means the American Association of Tissue Banks, or a successor entity.

(2) "Administrator in Charge" or "AIC" means an individual or an administrative body of an authorized entity headed by an individual who has the authority to represent the entity and who is responsible for the operation of the entity according to federal, state and local laws, and the policies and procedures of the entity's governing body. The Administrator in Charge will be the primary point of contact with the commission on behalf of the authorized entity or applicant.

(3) "Advancement of medical or forensic science" - means the use of a whole body or anatomical specimen donation for the advancement of medical, allied health, dental, or forensic science education, research, or training, including dissection, operation, examination and experimentation, by authorized entities for non-transplant purposes allowed under Health and Safety Code Chapter 691. Pursuant to Health and Safety Code, §691.001(6), willed body programs may only use donor whole bodies or anatomical specimens for educational or research purposes.

(4) "Agent" has meaning assigned in Health and Safety Code §692A.002(2).

(5) "Anatomical Specimen" has the meaning assigned in Health and Safety Code §691.001(3)). The term does not include the microscopic or laboratory material described in subsection (b)(3) of this section or material intended for transplant in a living human recipient.

(6) "Approved Setting" means a registered willed body program, registered non-transplant anatomical donation organization, registered anatomical facility, or other setting approved by the Commission under §691.034, with appropriate biosafety and access controls. A venue offering general admission to the public is not an approved setting.

(7) "Authorized Person" means a person authorized to receive or use a body or gross anatomical specimen under §691.033(a) and designated or registered by the Commission, as further provided in §206.2 of this title (relating to Authorized Activities). The term includes both an authorized entity and an authorized individual.

(8) "Bioskills Trainer" means a medical device manufacturer's approved bioskills trainer.

(9) "Body" has the meaning assigned in Health and Safety Code §691.001(2).

(10) "Designated Responsible Individual" means the individual or individuals designated by and accountable for an entity's compliance with this chapter with respect to each body or anatomical specimen. For non-traditional approved anatomical facilities, a Designated Responsible Individual must be on-site for the duration of the activity with the body or anatomical specimen.

(11) "Donor" has the meaning assigned in Health and Safety Code Section 692A.002(9).

(12) "Forensic science program" has the meaning assigned in Health and Safety Code Section 692A.011(a)(5).

(13) "Governing body" means the governing authority of an authorized entity that is responsible for the entity's organization, management, control, and operation, including appointment of staff; includes the owner or partners for authorized entities that are owned or operated by an individual or partners.

(14) "Medical waste" has the meaning defined in 30 TAC §326.3(23) (relating to Definitions). However, if a facility hosts a lab, course, training or other event in which a decedent whole body or anatomical specimen will be used for purposes authorized under Health and Safety Code Chapter 691, then the facility is considered a "health care-related facility" for the purpose of this chapter and Health and Safety Code, chapter 691 for the length of time in which the decedent whole body or anatomical specimen is physically located at the facility.

(15) "Non-traditional Anatomical Facility" means an inspected anatomical facility in a setting other than a purpose-built permanent anatomical facility.

(16) "Person" has the meaning assigned in Health and Safety Code Section 692A.002(22).

(17) "Public Display" means the display, dissection, or exhibition of a body or gross anatomical specimen before an audience admitted from the general public, whether or not a fee is charged, other than as part of a bona fide educational activity meeting the conditions of §206.7 of this title (relating to Educational Use of Anatomical Material; Prohibition of Public Display).

(18) "Qualified Instructor" means a licensed physician, or dentist, a person holding an earned doctoral, master's or professional degree in anatomy or a related health science, a licensed or certified anatomist, or a state licensed educator or state licensed embalmer delivering instruction or medical, doctoral or master's student within an accredited educational program.

(19) "Responsible Individual" means the natural person designated by an authorized entity as accountable for the entity's compliance with this chapter with respect to a body or gross anatomical specimen.

(20) "Search and rescue organization" includes a search and rescue organization or recovery team as defined in Health and Safety Code Section 692A.011(a)(6).

(21) "Violation" is the failure to comply with the Health and Safety Code Chapter 691, Commission rules, or an order issued by the Commission or its executive director or an agency staff member designated by the Commission's executive director that is adopted pursuant to Health and Safety Code Chapter 691 or as applicable, Occupations Code Chapter 651. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(22) "Written contract" means an informed donor consent or anatomical will form for donation of a willed body or anatomical specimen for educational or research purposes.

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 June 26, 2026.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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22 TAC §206.2

The Texas Funeral Service Commission (Commission or TFSC) proposes repeal of §206.2, Institutional Requirements, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Commission has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Ms. Maria Haynes, TFSC Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program. The proposed repeal implements an existing program transferred to the Commission by Senate Bill 2040 (88th Leg., R.S.).

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Commission, nor in a decrease in fees paid to the Commission

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Because the agency has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Commission; therefore, no Takings Impact Assessment is required.

LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Commission has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Ms. Haynes has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit will be clearer and more current rules that define the scope of the chapter and the terms used throughout it, implementing Senate Bill 2040 and improving the regulated community's and the public's understanding of the rules. There will not be economic costs to individuals required to comply with the repealed section.

FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Ms. Haynes also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED REPEAL. The Texas Funeral Service Commission is requesting public comments on the proposed repeal and information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific

to the proposed repeal. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed repeal and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed repeal is proposed under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The proposed repeal is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed repeal is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.2. Institutional Requirements.

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 June 26, 2026.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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22 TAC §206.2

The Texas Funeral Service Commission (Commission or TFSC) proposes new §206.2, Authorized Activities, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. This proposed change is referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULE. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule satisfies the Commission's mandatory duty under §691.033(d), Health and Safety Code, to clearly state the activities authorized in relation to the use or dissection of a body or anatomical specimen, to aid prosecutions under §42.08, Penal Code. The proposed rule is necessary to satisfy the Commission's mandatory duty under §691.033(d), Health and Safety Code; provide predictable protection for legitimate professional, educational, research, and forensic practice; and give prosecutors and the public clear notice of the activities authorized and performed with legal authority under Chapter 691.

The proposed rule was presented to and discussed by the State Anatomical Advisory Committee at its meetings on May 13, 20, and 27 and June 3 and 10, 2026. The Advisory Committee voted and recommended that the proposed rule be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule replaces the prior §206.2, which is repealed in a simultaneous rulemaking.

The proposed rule states the authority and purpose of the section; identifies the persons who may be designated as authorized persons under §691.033(a) and establishes a process for the Commission, with review by the State Anatomical Advisory Committee, to designate additional authorized persons; lists, by category, the activities authorized when performed by an authorized person within the scope of donor consent documented under §691.028; provides a procedure for activities outside the listed scope; states a safe-harbor provision describing conduct performed with legal authority for purposes of §42.08, Penal Code, consistent with §691.033(c); identifies activities that are not authorized; addresses the section's relationship to §42.08, Penal Code; and requires periodic review of the section at least once every three years.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, Texas Funeral Service Commission Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be clear notice to the regulated community, prosecutors, and the public of the activities authorized under Chapter 691 in relation to the use or dissection of a body, as required by §691.033(d), Health and Safety Code, and predictable protection for legitimate medical, surgical, educational, research, and forensic practice.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has

determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR THE RULE WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule does not create a new regulation.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULE. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.022(c), which requires the Commission to adopt rules and establish procedures necessary to administer and enforce the chapter; §691.033, including §691.033(a), which authorizes the use, dissection, operation on, examination, and experimentation on a body or anatomical specimen to further medical or forensic science, and §691.033(d), which requires the Commission to adopt rules that clearly state the activities authorized in relation to the use or dissection of a body to aid prosecutions under §42.08, Penal Code; and §691.034, which provides for registration, inspection, and authorization of persons using bodies and anatomical specimens. The proposed rule is also proposed under Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691; Texas Occupations Code, Chapter 651; and Texas Penal Code §42.08.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.2. Authorized Activities.

(a) Authority and purpose.

(1) This section is adopted under Texas Health and Safety Code §§691.022(c), 691.033(a) and (d), and 691.034, Health and Safety Code.

(2) This section satisfies the Commission's mandatory duty under §691.033(d) to clearly state the activities authorized in relation to the use or dissection of a body or anatomical specimen under the jurisdiction of the Commission, provides predictable protection for legitimate professional practice, and defines the procedural standards governing the Commission's administrative enforcement. To the extent of any conflict, this section supersedes the abuse-of-corpse provisions of §206.15 of this title (relating to Abuse of a Corpse).

(b) Authorized persons; designation.

(1) Subject to registration, inspection, and / or licensure by the Commission, as applicable, and to donor consent under §691.028, Health and Safety Code, the following are authorized persons who may receive or use a body or anatomical specimen derived from a whole body under §691.033(a), Health and Safety Code:

(A) a willed body program;

(B) a non-transplant anatomical donation organization; and

(C) an anatomical facility inspected and approved under §691.034, Health and Safety Code, only for the purposes of using a body or anatomical specimen, including;

(i) an institution of higher education, and a program within it, in medicine, osteopathic medicine, dentistry, nursing, physician assistant studies, physical therapy, athletic training, emergency medical services or paramedicine, mortuary science, biology, anatomy, biomedical engineering, forensic science, or other health science;

(ii) a licensed physician, dentist, or other licensed health professional conducting education, training, or research consistent with §691.033(a);

(iii) a forensic science program, forensic biology, forensic chemistry, forensic anthropology or taphonomy facility at an institution of higher education or a governmental forensic agency;

(iv) a search-and-rescue organization recognized by the Commission for human-remains-detection canine training;

(v) a United States military or other federal medical, dental, surgical, forensic, or health-science education, training, or research program operating in this state, to the extent it receives or uses a body or anatomical specimen derived from a whole body under Chapter 691, Health and Safety Code;

(vi) a medical device, biotechnology, or pharmaceutical entity conducting education, training, research, or development, when receiving bodies or anatomical specimens from a registered willed body program, non-transplant anatomical donation organization, or anatomical facility;

(vii) a continuing professional education or surgical-training provider conducting activities in an approved setting when receiving bodies or anatomical specimens from a registered willed body program, non-transplant anatomical donation organization, or anatomical facility;

(viii) an eye bank or tissue bank, in coordination with the Commission, only for the purposes of using a body or anatomical specimen. This chapter does not apply to these banks when receiving donations under Chapter 692A, Health and Safety Code, other than whole bodies;

(ix) a governmental medical examiner, law enforcement, first responder agency or forensic agency for education, training, or research, in coordination with the Commission; and

(x) any other person designated by the Commission under paragraph (5).

(2) Authorized Person. The Commission may designate a natural person as an authorized individual under this subsection in the person's own right, as distinct from an entity.

(3) Designated Responsible Individual. Each authorized entity shall designate a responsible individual or individuals accountable for the entity's compliance with this chapter with respect to each body or anatomical specimen. For non-traditional approved anatomical facilities, a Designated Responsible Individual must be on-site for the duration of the activity with the body or anatomical specimen.

(4) Experimentation. As used in §691.033(a), Health and Safety Code, and this section, experimentation means systematic inquiry, testing, or development performed on a body or anatomical specimen to advance medical, surgical, dental, forensic, or other health science.

(5) Designation of additional authorized persons.

(A) A person not within paragraph (1) may apply to the Commission for designation as an authorized person under §691.033(a), Health and Safety Code, describing the applicant, the intended use, the setting, the supervision, and the recordkeeping and chain-of-custody measures the applicant will follow.

(B) The Commission shall refer the application to the State Anatomical Advisory Committee, which shall review it against the criteria in subparagraph (C) and submit a recommendation to the Commission.

(C) In reviewing an application, the advisory committee and the Commission shall consider whether the proposed use furthers medical or forensic science under §691.033(a), Health and Safety Code; is within the scope of donor consent under §691.028, Health and Safety Code; will occur in an approved setting under qualified supervision; and will be supported by the records and chain of custody required under this chapter.

(D) The Commission shall make the final designation decision after considering the advisory committee's recommendation. A designation may be conditional, limited in duration, or revoked.

(c) Authorized activities. The activities listed in this subsection, when performed by an authorized person within the scope of donor consent documented under §691.028, Health and Safety Code, are authorized under §691.033(a), Health and Safety Code:
Figure 22 TAC 206.2(c)
The list in this subsection is illustrative of the activities authorized under §691.033(a), Health and Safety Code, and is not exhaustive. An activity within the scope of §691.033(a), Health and Safety Code, is authorized whether or not specifically named.

(d) Activities outside the listed scope. An activity not specifically listed in subsection (c) is authorized when: (1) the donor or authorized person consented to the activity in a record meeting the requirements of §691.028, Health and Safety Code; or (2) the entity provides prior written notice to the Commission describing the activity, its purpose, and its alignment with §691.033(a), Health and Safety Code, and the Commission does not object within 30 days of receipt.

(e) Safe harbor; conduct with legal authority.

(1) An authorized activity is performed with legal authority within the meaning of Texas Penal Code §42.08 (Abuse of Corpse).

(2) Consistent with §691.033(c), Health and Safety Code, a law relating to the prevention of mutilation of a body does not apply to the use, dissection, operation, examination, or experiment on a body or anatomical specimen authorized under §691.033, Health and Safety Code.

(3) Experimentation, as defined in subsection (b)(4) and expressly authorized by §691.033(a), Health and Safety Code, is an authorized activity when performed by an authorized person within the scope of donor consent. Describing conduct as "experiment" or "experimentation" does not by itself remove it from this safe harbor.

(4) An authorized activity is not subject to administrative penalty under §691.022(c), Health and Safety Code, and is not grounds for suspension, revocation, or denial of registration under §691.034(c) or (d), based solely on the nature of the activity.

(5) Nothing in this section limits the discretion of a district attorney, county attorney, or other prosecuting authority in the exercise of constitutional and statutory charging authority.

(f) Activities not authorized. The following are not authorized under §691.033(a), Health and Safety Code, and are not within the safe harbor of subsection (e):

(1) use of a body or anatomical specimen outside the scope of donor consent documented under §691.028, Health and Safety Code;

(2) sale, purchase, or transfer of a body or anatomical specimen for valuable consideration in violation of §692A.016, Health and Safety Code;

(3) use of a body or anatomical specimen by a person not authorized under §691.033(a), Health and Safety Code and this section;

(4) public display of identifying features of a donor (including face, identifying tattoos, scars, or donor identification numbers) without donor consent or appropriate dignity protections;

(5) any activity that an authorized person knows or reasonably should know violates Health and Safety Code, Chapter 691, Chapter 692A, or Commission rule;

(6) any authorized activity not performed at an inspected anatomical facility, willed body program or non-transplant anatomical donation organization.

(g) All requests for transfer of bodies or anatomical specimens must be made by a Designated Responsible Individual for a willed body program, non-transplant anatomical donation organization or anatomical facility.

(h) Relationship to Penal Code §42.08. This section is adopted to aid prosecutions under Texas Penal Code §42.08 as required by §691.033(d), Health and Safety Code, by giving prosecutors and the public clear notice of the activities authorized and performed with legal authority under Chapter 691, Health and Safety Code, This section does not create, expand, or limit any criminal offense, defense, or element under the Penal Code, except as stated in subsection (e).

(i) Periodic review. The Commission, with the advice of the State Anatomical Advisory Committee, shall review this section at least once every three years to ensure that the listed activities remain consistent with current professional practice.

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

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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22 TAC §206.3

The Texas Funeral Service Commission (Commission or TFSC) proposes a repeal of §206.3, Distribution Priorities, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Commission has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Ms. Maria Haynes, TFSC Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program. The proposed repeal implements an existing program transferred to the Commission by Senate Bill 2040 (88th Leg., R.S.).

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Commission, nor in a decrease in fees paid to the Commission

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Because the agency has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Commission; therefore, no Takings Impact Assessment is required.

LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Commission has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Ms. Haynes has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit will be clearer and more current rules that define the scope of the chapter and the terms used throughout it, implementing Senate Bill 2040 and improving the regulated community's and the public's understanding of the rules. There will not be economic costs to individuals required to comply with the repealed section.

FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Ms. Haynes also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed repeal does not have a fiscal note that imposes a cost on regulated persons, including another state

agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED REPEAL. The Texas Funeral Service Commission is requesting public comments on the proposed repeal and information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed repeal. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed repeal and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed repeal is proposed under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The proposed repeal is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed repeal is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.3. Distribution Priorities.

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

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Maria Haynes
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Texas Funeral Service Commission
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22 TAC §206.3

The Texas Funeral Service Commission (Commission or TFSC) proposes a new rule §206.3, Chain of Custody, at Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. This proposed change is referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule rewrites the section to establish chain-of-custody requirements under §691.031, Health and Safety Code, including prescribing the chain-of-custody form and the process for completing, transferring, and retaining it. The proposed rule is necessary to implement the Commission's mandatory duty under §691.031, Health and Safety Code, to adopt rules ensuring that each body or anatomical specimen is properly tracked from intake to final disposition, and to make custody records available for inspection by the Commission or a district or county attorney.

The proposed rules were presented to and discussed by the State Anatomical Advisory Committee at its meetings on May 13, 20, and 27 and June 3 and 10, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule amends §206.3, Chain of Custody.

The proposed rule amends the section heading and rewrites the section to establish chain-of-custody requirements under §691.031, Health and Safety Code. The proposed amendment states the authority for and application of the section; prescribes the chain-of-custody form (TFSC Form A-1) by reference and authorizes future revision and an electronic conveyance and receipt system; specifies how the form is initiated and completed at each transfer of custody; addresses transport providers, disarticulation and derived specimens, transfer of the form with custody, a seven-year retention period, and acceptable paper and electronic formats; provides for inspection and production to the Commission or a district or county attorney within two business days of a written request, consistent with §691.031(f); and states the consequences of failure to comply.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, Texas Funeral Service Commission Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Because Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be improved tracking of bodies and anatomical specimens through a uniform chain-of-custody process and

reliable records available for inspection, supporting the dignified and lawful handling of donated human remains.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are nominal economic costs to persons who are required to comply with the proposed rule, specifically with regard to recordkeeping and retention of chain of custody files.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule create a new regulation. Specifically it creates a chain of custody process required by S.B. 2040 (88th Leg. R.S.).

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.011, which requires the Commission to keep identification records; §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; §691.031, which requires the Commission to adopt rules ensuring proper transportation of bodies and the completion, maintenance, and transfer of a chain-of-custody form prescribed by the Commission and the availability of those records for inspection; and §691.033, which addresses recordkeeping for bodies and anatomical specimens. The proposed rule is also proposed under Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.3. Chain of Custody.

(a) Authority. This section is adopted under the authority of Texas Health and Safety Code §§ 691.011, 691.022(c), 691.031, and 691.033.

(b) Application. This section applies to every person with control or possession of a body or anatomical specimen received, distributed, or used under Chapter 691, Health and Safety Code.

(c) Form prescribed.

(1) The Commission prescribes the chain-of-custody form designated TFSC Form A-1, which is incorporated by reference and available on the Commission's website. The form satisfies the requirement of Health and Safety Code §691.031(a)(3)(A).

(2) The Commission may revise the form from time to time. A form in use on the effective date of any revision remains valid for the specimen it covers.

(d) Completion of form.

(1) The entity that first acquires a body or anatomical specimen under Chapter 691 shall initiate the form by completing Section A (Header), including the specimen unique identifier assigned under the Commission's adopted identifier nomenclature.

(2) At each transfer of custody, the releasing party and the receiving party shall each complete and sign the corresponding entries in Section B (Custody Transfers).

(3) The Commission may develop an electronic conveyance and receipt system which contains the information contained in the form, and electronic completion of the form satisfies the requirements of this section and Health and Safety Code §691.031.

(e) Transport providers.

(1) A courier acting in a transportation capacity, without opening the transport container or exercising discretion over the specimen, shall be indicated by name on the form.

(2) An entity that takes custody for any purpose other than transport, including temporary storage, repackaging, or inspection, shall complete a full custody entry as the receiving party.

(f) Disarticulation and derived specimens.

(1) Where a whole body is disarticulated into multiple anatomical specimens, the master form covering the whole body shall be retained by the entity that performed the disarticulation, and a new chain-of-custody form shall be initiated for each derived specimen, cross-referencing the master form's specimen unique identifier.

(2) The retention requirement in subsection (h) applies to the master form and to each derived form.

(g) Transfer of form with custody. Consistent with Health and Safety Code §691.031(a)(3)(C), each person who transfers custody of a body or anatomical specimen shall transfer the original or a complete copy of the chain-of-custody form to the receiving party at the time of transfer, and shall retain a copy.

(h) Retention. Each person with custody of a body or anatomical specimen shall retain a copy of the chain-of-custody form for seven (7) years following the date of final disposition, or for such longer period as required by other applicable law.

(i) Format.

(1) The chain-of-custody form may be maintained in paper or electronic format, and additionally may be used in multiple copies, so long as each copy maintained by the sender and receiver contains a complete copy of the form.

(2) An electronic form shall:

(A) contain all required fields;

(B) capture signatures by electronic means consistent with Tex. Bus. & Com. Code Chapter 322 (Uniform Electronic Transactions Act);

(C) maintain an audit trail capable of demonstrating the date, time, and identity of each entry; and (D) be retrievable for inspection under §691.031(f) within two (2) business days of a request.

(j) Inspection and production. Consistent with Health and Safety Code §691.031(f), each chain-of-custody form shall be made available for inspection by the Commission or by a district or county attorney upon request not later than (2) business days of a written request.

(k) Failure to comply. Failure to complete, retain, or transfer a chain-of-custody form as required by this section may result in administrative penalties under §691.022(c) or suspension or revocation of registration under §691.034(c) or (d). Failure to maintain chain-of-custody documentation does not, standing alone, constitute abuse of a corpse under Tex. Penal Code §42.08, but may be evidence in an investigation under §691.034(b).

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

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Maria Haynes
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22 TAC §206.4

The Texas Funeral Service Commission (Commission or TFSC) proposes amendments to §206.4, Transport, Importation and Exportation of Bodies, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule amends the section to conform it to Senate Bill 2040 and current statutory structure, including replacing references to the former "board" and "secretary-treasurer" with the Commission and its Executive Director and updating provisions governing transport, importation, and exportation of bodies and anatomical specimens. It removes a redundant provision regarding violations of rules and also moves and revises a requirement for a yearly procurement and use report for anatomical entities to assist the commission in evaluating compliance with statutory requirements for export. The proposed rule is necessary to conform the rule to Chapter 691 as amended by Senate Bill 2040, ensure the secured and dignified transport of bodies and anatomical specimens, and provide clear conditions for importation into and exportation out of this state.

The proposed rules were presented to and discussed by the State Anatomical Advisory Committee at its meeting on June 10, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule amends §206.4, Transport, Importation and Exportation of Bodies.

The proposed rule amends the section to conform it to Senate Bill 2040 and current statutory structure. The proposed amendment replaces references to the "board" and "secretary-treasurer" with the Commission and its Executive Director; updates labeling and secured-transport requirements; provides for transfer to search organizations and forensic science pro-

grams consistent with donor authorization under §§691.028 and 692A.009; addresses notification of intent to import and the Commission's jurisdiction over imported material; revises the conditions for written approval of exportation, including the requirement that an out-of-state recipient be an authorized recipient of the same type listed in §206.2 and the conditions concerning supply, donor authorization, and any site visit; and updates the provisions governing removal from authorized premises and handling of suspected violations. The proposed rule also moves and revises a prior State Anatomical Board rule requiring reporting for anatomical entities to assist the Commission in meeting statutory requirements prior to authorizing export of anatomical specimens.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, TFSC Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be the secured, dignified, and lawful transport, importation, and exportation of donated bodies and anatomical specimens under rules conformed to current statutory structure.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule does not create a new regulation.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.022(c), which requires the Commission to adopt rules and establish procedures necessary to administer and enforce the chapter; §691.029, which authorizes the Commission to receive, distribute, and transfer a body or anatomical specimen from inside or outside this state; §691.030, which governs the Commission's distribution and out-of-state transport of bodies and anatomical specimens; and §691.031, which requires the Commission to adopt rules ensuring proper transportation and labeling. The proposed rule is also proposed under Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.4. Transport, Importation and Exportation of Bodies.

(a) Transport of Bodies. The transfer and transport of bodies or anatomical specimens from one willed body program, non-anatomical donation organization or anatomical facility [~~institution~~] to another, or for export from the state, shall be done in an appropriate, secured vehicle operated by a licensed funeral establishment, ambulance service, willed body program, non-anatomical donation organization, anatomical facility [~~search organization~~], search organization, or common [~~public~~] carrier. A label with the statement that the container's contents are derived from human tissue [~~"CONTENTS DERIVED FROM DONATED HUMAN TISSUE"~~] shall be affixed to the container in which the body or anatomical specimen is transported. The container shall be secured, packaged to prevent leakage of fluids and kept at an appropriate interior temperature to prevent decomposition and emission of odors. [~~Violations may result in revocation of authorization to receive and hold bodies.~~]

(b) Each body or anatomical specimen shall be carefully deposited and transported with the least possible public display.

[~~(b) Transfer to search organizations. Cadavers and anatomical specimens may be transferred to search organizations or forensic science programs if:~~]

[~~(1) the deceased donated his body in compliance with Section 691.028 of the Health and Safety Code and at the time of the donation authorized use for search organizations or forensic science programs;~~]

[~~(2) the body was donated in compliance with Chapter 692A of the Health and Safety Code and the person authorized to make the donation under Section 692A.009 authorized use for search organizations or forensic science programs;~~]

[~~(3) the body was received by a member institution because it had not been claimed.~~]

(c) Importation. Notification of the intent to import a body or anatomical specimen [~~bodies~~] from outside of the State of Texas shall be given to the Commission [~~board~~] in writing. Such bodies or specimens shall fall under the jurisdiction of the Commission [~~board~~] upon entering the State of Texas, and all rules regulating such material shall apply.

(d) Exportation. No body or anatomical specimen under the jurisdiction of the Commission [~~board~~] including donations to tissue banks authorized by Health and Safety Code, Chapter 692A, shall be shipped out of the State of Texas, unless permission in writing for such shipment has been granted by the Commission [~~board acting through its secretary-treasurer. If the secretary-treasurer is an employee of the institution that is to make the shipment, secondary approval must be given by the chair~~].

(1) The Commission [~~board~~] may grant approval of exportation of a body or anatomical specimen if it [~~or its secretary-treasurer or chair~~] determines that:

(A) the recipient out-of-state institution is a willed body program, non-transplant anatomical donation organization or anatomical facility of the same type as those authorized recipients listed in §206.2 of this title (relating to Authorized Activities); [~~a written request has been received from an institution that is in the approved categories described in §479.1(a) of this title (relating to Institutions Authorized to Receive and Hold Bodies) that describes the need for the body and the facilities available for holding the body.~~]

(B) the supply of bodies or anatomical specimens exceeds the needs of bodies or anatomical specimens [~~the institutions~~] in this state; and

(C) the donor authorized out-of-state shipment.

(2) If, in the opinion of the Commission [~~appropriate official of the holding institution or the secretary-treasurer~~] , a video or in-person site visit to the requesting institution is desirable or necessary to verify that the requesting institution respects the dignity of the human body and complies with any restrictions contained in the donor instrument, such a visit shall be made by the willed body program or non-transplant anatomical organization and a report made to the Commission, which includes, but is not limited to, a review of the materials required §206.12(c)(4)(D) of this title (relating to Registration Application and Inspection Required) and implementation procedures of the out of state facility as a condition of [~~secretary-treasurer before~~] approving the transfer. The expenses incurred by such a site visit shall be reimbursed by the potential receiving institution [~~before application is considered~~].

(e) Proscription of local removal. Bodies or anatomical specimens shall not be removed or relocated from the designated premises of the willed body program, non-transplant anatomical donation program, or anatomical facility [~~institution or individual~~] which have been authorized by the Commission [~~this board~~] to receive, hold, or dispose of bodies without the written permission of the Executive Director of the Commission or the Executive Director's designee [~~secretary-treasurer~~].

(f) Yearly procurement and use report. Each willed body program or non-transplant anatomical donation organization which has received, directly or by transfer, and/or used a body during the prior year shall complete, sign and file with the Commission the yearly cadaver procurement and use report prescribed by the Commission. Each anatomical facility shall file an annual need or use report prescribed by the Commission. These reports shall be filed not later than August 31 of each year for the prior annual period. Tissue banks and search organizations receiving donations as authorized by Health and Safety Code Chapter 692A will file a cadaver procurement and transfer form as prescribed by the Commission.

[~~(f) Violation of this rule. Should it appear that an organization, institution, or individual may be in violation of any section regarding the transportation of a body, the board shall proceed as required by §483.1 of this title (relating to Hearing 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 June 26, 2026.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 936-2488

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22 TAC §206.5

The Texas Funeral Service Commission (Commission or TFSC) proposes amendments to §206.5, Transfer of Bodies or Anatomical Specimens, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule amends the section to update the transfer-application and approval process, including providing that an Authorized Person, as defined in §206.1, may request a transfer on the form prescribed by the Commission and designating the Executive Director or the Executive Director's designee as authorized to approve transfers. The proposed rule is necessary to conform the transfer process to Chapter 691 as amended by Senate Bill 2040 and to the Commission's current structure, and ensure that transfers are made only to approved recipients under clear conditions.

The proposed rules were presented to and discussed by the State Anatomical Advisory Committee at its meeting on June 10, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY, The proposed rule amends the section to update the transfer-application and approval process. The proposed amendment provides that an Authorized Person, as defined in §206.1, may request a transfer on the form prescribed by the Commission; designates the Executive Director or the Executive Director's designee as authorized to approve transfers; requires that recipients of transfers be an approved willed body program, non-transplant anatomical donation organization, or approved anatomical facility; and addresses availability of bodies, allocation of costs, the deadline for return of transferred bodies for final disposition, and extensions. It removes redundant language from the former State Anatomical Board rule.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT.Ms. Maria Haynes, TFSC Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be a clear and orderly process for transferring bodies and anatomical specimens to approved recipients, supporting equitable distribution and the dignified and lawful handling of donated human remains.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule does not create a new regulation.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed

rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register.*

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.022, which addresses the Commission's distribution duties and authorizes the Commission to adopt rules and establish procedures necessary to administer and enforce the chapter; §691.029, which authorizes the Commission to receive, distribute, and transfer a body or anatomical specimen; §691.030, which governs distribution and redistribution; and §691.033, which authorizes the use of bodies and anatomical specimens to further medical or forensic science. The proposed rule is also proposed under Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.5. Transfer of Bodies or Anatomical Specimens.

(a) Application for transfer. An Authorized Person, as defined in §206.1 of this title (relating to Scope and Definitions), [~~Institutions or search organizations~~] desiring the transfer of a body or anatomical specimen must make written request on the form or electronic system prescribed by the Commission. [~~to the secretary-treasurer of the board. Reasons for the need for a body must be stated.~~]

(b) Approval of transfer. The Executive Director of the Commission or the Executive Director's designee [~~secretary-treasurer~~] is authorized to approve transfers. All recipients of transfers must be an approved willed body program, non-transplant anatomical donation organization or an authorized person for use at approved anatomical facility. [~~Although the law provides for private physicians to be authorized to receive bodies, it is the belief of the board that, in general, a physician should arrange to do anatomical work at a medical or dental school or at an authorized hospital.~~]

[~~(c) Availability. While the secretary-treasurer of the board shall make diligent efforts to locate a source of bodies for transfer, final authorization for such transfer shall be dependent on the willingness of a member institution to provide the required body or bodies. Costs of the body and for transportation shall be borne by the institution or search organization receiving the transferred body.~~]

[~~(d) Disposal of transferred bodies. Unless other suitable arrangements have been made and approved by the secretary-treasurer or the board in advance, transferred bodies on which dissection has been completed shall be returned to the institution originally providing the body for final disposition within one calendar year.~~]

[~~(e) Extension. The secretary-treasurer may approve extensions beyond the one calendar year time limit. Written requests for an extension must be submitted prior to the expiration of the term, and reasons for the extension must be stated.~~]

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 June 26, 2026.

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Maria Haynes
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22 TAC §206.7

The Texas Funeral Service Commission (Commission or TFSC) proposes repeal of §206.7, Board Forms, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Commission has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Ms. Maria Haynes, TFSC Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program. The proposed repeal implements an existing program transferred to the Commission by Senate Bill 2040 (88th Leg., R.S.).

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Commission, nor in a decrease in fees paid to the Commission.

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES.

Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Because the agency has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043.

The repeal does not contemplate or authorize a taking by the Commission; therefore, no Takings Impact Assessment is required.

LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Commission has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Ms. Haynes has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit will be clearer and more current rules that define the scope of the chapter and the terms used throughout it, implementing Senate Bill 2040 and improving the regulated community's and the public's understanding of the rules. There will not be economic costs to individuals required to comply with the repealed section.

FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Ms. Haynes also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED REPEAL. The Texas Funeral Service Commission is requesting public comments on the proposed repeal and information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed repeal. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed repeal and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register.*

STATUTORY AUTHORITY. The proposed repeal is proposed under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The proposed repeal is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed repeal is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.7. Board Forms.

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 June 26, 2026.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 936-2488

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22 TAC §206.7

The Texas Funeral Service Commission (Commission or TFSC) proposes new §206.7, Educational Use of Anatomical Material; Prohibition of Public Display, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. This proposed change is referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule governs the educational use of human anatomical material and to prohibit the public display of a body or gross anatomical specimen as spectacle or entertainment. The proposed rule permits educational observation and participation when four conditions are met - donor consent, an approved setting inspected by the

Commission, qualified supervision, and a bona fide educational purpose - and prohibits selling admission to the general public to observe the display, dissection, or examination of human anatomical material. The proposed rule is necessary to ensure that human anatomical material used for educational observation is handled with respect and dignity consistent with the treatment-with-respect standard the Commission is required to adopt under §691.022(b), Health and Safety Code; preserve broad and legitimate access to anatomical education for the scientific and professional community; and prohibit the display of human anatomical material as public spectacle or entertainment.

The proposed rules were presented to and discussed by the State Anatomical Advisory Committee at its meetings on May 13, 20, and 27 and June 3 and 10, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule replaces the prior §206.7, which is repealed in a simultaneous rulemaking.

The proposed rule addresses the educational use of anatomical material and to prohibit public display. The proposed amendment states the authority for and purpose of the section; establishes the four conditions under which a person may observe or participate in the educational use, dissection, or examination of a body or gross anatomical specimen - donor consent under §§691.028 and 692A.009, an approved setting inspected by the Commission, qualified supervision by a Qualified Instructor or Bioskills Trainer, and a bona fide educational purpose; addresses observation or participation by minors enrolled in an accredited or recognized educational program; prohibits the public display of a body or gross anatomical specimen and the sale of admission to the general public to observe human anatomical material, while preserving legitimate educational programs, reverent consent-based memorials, and accredited museum or scientific exhibitions conducted with documented consent and dignity protections; restricts media and recording consistent with donor consent and dignity protections; applies the treatment-with-respect standard adopted under §691.022(b); and states the enforcement consequences of a violation.

The proposed rules were presented to and discussed by the State Anatomical Advisory Committee at its meetings on May 13, 20, and 27 and June 3, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, TFSC Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Because Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be the dignified and respectful handling of donated human anatomical material used for education; preserved access to legitimate anatomical education, training, and research for the scientific and professional community; and protection of anatomical donors and the public from the display of human remains as spectacle or entertainment.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule creates a new regulation. The proposed rule establishes conditions for the educational use of anatomical material and a prohibition on public display, in accordance with new statutory requirements in S.B. 2040, 88th Leg., R.S.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule replaces and expands the prior section to address educational use and public display and updates it to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.022(b), which requires the Commission to adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the Commission or a person authorized to receive the body or specimen, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter and authorizes the Commission to assess administrative penalties and to revoke, suspend, or probate a registration or other authorization in the manner provided by Chapter 651, Occupations Code; §691.028, which governs donation of a body by written instrument and the informed consent of the donor; §691.033, which authorizes the use, dissection, operation on, examination, and experimentation on a body or anatomical specimen to further medical or forensic science; and §691.034, including §691.034(c) and (d), which authorize the Commission to suspend or revoke a registration or other authorization and provide for a hearing. The proposed rule is also proposed under Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.7. Educational Use of Anatomical Material; Prohibition of Public Display.

(a) Authority and purpose.

(1) This section is adopted under Texas Health and Safety Code, §§691.022(b), 691.028, and 691.033.

(2) The purpose of this section is to ensure that human anatomical material used for educational observation is handled with respect and dignity, to preserve broad and legitimate access to anatomical education for the scientific and professional community, and to prohibit the display of human anatomical material as public spectacle or entertainment.

(b) Educational use permitted under four conditions. A person may observe or participate in the educational use, dissection, or examination of a body or gross anatomical specimen, regardless of the person's profession, credential, or level of education, provided all of the following conditions are met:

(1) Donor consent. The donor or a person authorized under §692A.009 consented to the use of the body or specimen for education or training, and the consent reasonably encompasses observation by the category of persons present. Consent documented on the Commission's Donor Acknowledgement Form, or an equivalent record under §691.028, satisfies this requirement.

(2) Approved setting. The activity occurs in an approved setting inspected by the Commission. A venue offering general admission or access by the public is not an approved setting for purposes of this section.

(3) Qualified supervision. The activity is led or supervised by a Qualified Instructor or Bioskills Trainer, who is responsible for the educational purpose and for respectful conduct during the activity.

(4) Bona fide educational purpose. The activity serves a genuine educational, training, or research purpose and is part of a structured program, course, or supervised session. The activity is not open to general public attendance, is not marketed or conducted as entertainment or spectacle, and does not offer admission to the general public for a fee or otherwise to observe human remains.

(c) Minors as observers. A minor may observe or participate in educational use under subsection (b) when the activity is part of an accredited or recognized educational program in which the minor is enrolled, the supervising qualified instructor approves the minor's participation, and any consent required by the educational institution or by the minor's parent or guardian has been obtained. This subsection does not authorize general public attendance by minors outside an enrolled educational program.

(d) Prohibition of public display.

(1) No person may engage in the public display of a body or gross anatomical specimen except as part of a bona fide educational activity meeting all conditions of subsection (b).

(2) No person may sell admission, tickets, or access to the general public to observe the display, dissection, or examination of a body or gross anatomical specimen.

(3) This subsection does not prohibit:

(A) a legitimate educational program meeting subsection (b);

(B) reverent, consent-based public memorial or recognition of anatomical donors that does not involve display of remains as spectacle; or

(C) an accredited museum or scientific exhibition conducted with documented consent and appropriate dignity protections, subject to any additional Commission approval.

(e) Media and recording. Recording, photography, or live transmission of educational activities under this section is permitted only consistent with donor consent under §691.028 and applicable dignity protections, including obscuring identifying features. Sale or public distribution of recordings depicting identifiable human remains as spectacle is prohibited.

(f) Treatment with respect. All educational use under this section is subject to the treatment-with-respect standard adopted under §691.022(b). The Qualified Instructor or Bioskills Trainer is responsible for ensuring that conduct during the activity is respectful of the donor and consistent with the dignity of the human remains.

(g) Enforcement. A violation of this section may result in administrative penalties under §691.022(c) and suspension or revocation of registration under §691.034(c) or (d). Conduct prohibited by this section is not an authorized activity under §206.2 of this chapter (relating to Institutional Requirements) and does not fall within the safe harbor of that section.

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

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22 TAC §206.8

The Texas Funeral Service Commission (Commission or TFSC) proposes amendments to §206.8, Forms for Recording of Willed and Donated Bodies, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule amends the section governing the forms used to record willed and donated bodies and the complaint-notice information that must be included in a written contract relating to a willed or donated body. The proposed rule replaces the former Anatomical Board references and updates the required complaint-notice language to direct complaints and inquiries to the Commission, and allows the notice to be provided on the contract form itself or on a separate signed acknowledgement kept with the contract and subject to inspection. The proposed rule is necessary to conform the section to Chapter 691 as amended by Senate Bill 2040 and to implement §691.010, Health and Safety Code, which requires the Commission by rule to establish methods by which service recipients are notified of the Commission's name, mailing address, and telephone number for the purpose of directing complaints.

The proposed rule was presented to and discussed by the State Anatomical Advisory Committee at its meeting on June 10, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule amends the section to update the forms and notice requirements for willed and donated bodies. The proposed amendment continues to require entities operating a willed body program and entities or individuals receiving donated bodies, including those authorized under Chapter 692A, to prepare separate forms for pre-death wills under Chapter 691 and post-death donations under Chapter 692A and to deposit a sample with the Commission; replaces the former complaint-notice language directed to the Anatomical Board with language directing complaints and inquiries to the Commission and requiring the name, mailing address, and telephone number of the Commission; and provides that an entity may comply by including the notice on the contract form itself or on a separate notice acknowledgement signed by the donor at execution and kept with the written contract, subject to inspection by the Commission.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, TFSC Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be clear and current forms and complaint-notice procedures that direct donor and family complaints and inquiries to the Commission, supporting transparency and accountability in the donation and willed-body process.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule does not create a new regulation. The proposed rule continues an existing forms-and-notice requirement and updates it to direct complaints to the Commission.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.010, which requires the Commission to make information of public interest available and by rule to establish methods by which service recipients are notified of the Commission's name, mailing address, and telephone number for the purpose of directing complaints to the Commission; §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; and §691.028, which governs donation of a body by written instrument. The proposed rule is also proposed under Chapter 692A, Health and Safety Code (Revised Uniform Anatomical Gift Act), and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.8. Forms for Recording of Willed and Donated Bodies.

~~[(a) Member institutions operating a willed body program, and institutions or individuals receiving donated bodies, including those authorized under Health and Safety Code, Chapter 692A, shall prepare separate forms for pre-death wills under Health and Safety Code, Chapter 691 and post-death donations under the Anatomical Gift Act, Health and Safety Code, Chapter 692A. A copy of such forms shall be deposited, as a sample, with the secretary-treasurer.]~~

[~~(b)~~] Each written contract relating to bodies willed or donated to an entity regulated by the commission or authorized by the commission to receive bodies [~~All Chapter 691 will forms and Chapter 692A donation forms~~] shall include the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission. An entity may comply with this subsection by including this notice on the contract form itself or on a separate notice acknowledgement signed by the donor other authorized individual at the time of execution of the written contract. If the notice is provided separately, the acknowledgement must be kept with the written contract and is subject to inspection by the commission. [~~incorporate the following: "Complaints or inquiries regarding a willed or donated body should be directed to the secretary-treasurer of the Anatomical Board of the State of Texas. The name and address of this individual may be obtained from the institution to which the body was delivered."~~]

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

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Maria Haynes
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Texas Funeral Service Commission
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22 TAC §206.11

The Texas Funeral Service Commission (Commission) proposes the repeal of §206.11, concerning Institutions Authorized to Receive and Hold Bodies.

BACKGROUND AND PURPOSE. Section 206.11 establishes static lists of "approved" and "disapproved" categories of institutions, organizations, and individuals authorized to receive and hold bodies.

Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of May 28, 2023, 88th Leg., R.S., ch. 961), effective September

1, 2023, revised the statutory framework governing willed body programs, non-transplant anatomical donation organizations, and anatomical facilities, and transferred regulation to the Commission. Under Texas Health and Safety Code §691.034, a willed body program or non-transplant anatomical donation organization may not operate in this state unless it registers with the Commission in the form and manner the Commission prescribes, and the Commission inspects and may approve willed body programs and anatomical facilities for the receipt and use of bodies and anatomical specimens. Texas Health and Safety Code §691.030 governs the distribution and redistribution of bodies and anatomical specimens to the categories of recipients specified by statute.

The categorical approval and disapproval provisions of §206.11 are duplicative of, and in certain respects inconsistent with, the current statutory registration-and-distribution framework. The Commission therefore proposes to repeal §206.11 as obsolete and duplicative.

FISCAL NOTE. Ms. Maria Haynes, Executive Director of the Texas Funeral Service Commission (Commission), has determined that for the first five-year period the proposed repeal is in effect, there will be no foreseeable fiscal implications for state government or for units of local government as a result of administering or enforcing the repeal.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of the repeal will be a more accurate and current Texas Administrative Code that reflects the statutory registration-and-distribution framework established by Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of May 28, 2023, 88th Leg., R.S., ch. 961), effective September 1, 2023, and the removal of a provision that is duplicative of statute, which promotes clarity for regulated persons and the public. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed, because the repeal removes existing provisions and imposes no new requirements.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. The Commission has determined that the proposed repeal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities, because the repeal removes obsolete or duplicative provisions and imposes no new costs or requirements. Accordingly, neither an economic impact statement nor a regulatory flexibility analysis is required under Texas Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposed repeal will not affect a local economy, so the Commission is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

COSTS TO REGULATED PERSONS. The proposed repeal does not impose a cost on regulated persons and, therefore, is not subject to the requirements of Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. The Commission has determined that for the first five-year period the proposed repeal is in effect, the following statements apply, pursuant to Texas Government Code §2001.0221 and 34 Texas Administrative Code §11.1:

(1) the proposed repeal does not create or eliminate a government program;

(2) implementation of the proposed repeal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed repeal does not require an increase or decrease in future legislative appropriations to the Commission;

(4) the proposed repeal does not require an increase or decrease in fees paid to the Commission;

(5) the proposed repeal does not create a new regulation;

(6) the proposed repeal repeals an existing regulation (§206.11);

(7) the proposed repeal does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed repeal does not positively or negatively affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Commission has determined that the proposed repeal does not affect private real property in a manner that would require compensation to private real property owners under the Texas Constitution or the Private Real Property Rights Preservation Act, Texas Government Code Chapter 2007, and does not affect a regulation in a manner that would constitute a taking. Therefore, a takings impact assessment is not required.

MAJOR ENVIRONMENTAL RULE. The proposed repeal is not a major environmental rule as defined by Texas Government Code §2001.0225.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed repeal may be submitted to Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The repeal is proposed under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens.

CROSS-REFERENCE TO STATUTE. The proposed repeal implements Texas Health and Safety Code §§691.030, 691.033, and 691.034.

§206.11. Institutions Authorized to Receive and Hold Bodies.

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

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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22 TAC §206.12

The Texas Funeral Service Commission (Commission or TFSC) proposes a repeal of §206.12, Application and Inspection of Facilities, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Commission has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Ms. Maria Haynes, TFSC Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program. The proposed repeal implements an existing program transferred to the Commission by Senate Bill 2040 (88th Leg., R.S.).

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Commission, nor in a decrease in fees paid to the Commission

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Because the agency has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Commission; therefore, no Takings Impact Assessment is required.

LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Commission has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Ms. Haynes has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit will be clearer and more current rules that define the scope of the chapter and the terms used throughout it, implementing Senate Bill 2040 and improving the regulated community's and the public's understanding of the rules. There will not be economic costs to individuals required to comply with the repealed section.

FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Ms. Haynes also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED REPEAL. The Texas Funeral Service Commission is requesting public comments on the proposed repeal and information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed repeal. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed repeal and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed repeal is proposed under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The proposed repeal is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed repeal is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.12. Application and Inspection of Facilities.

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

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22 TAC §206.12

The Texas Funeral Service Commission (Commission or TFSC) proposes new §206.12, Registration Application and Inspection of Facilities Required, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. This proposed change is referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULE. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule establishes the application, registration, inspection, renewal, ownership-change, relocation, and renovation requirements for individuals and entities that receive, use, or transfer donor whole bodies or anatomical specimens under Chapter 691, implementing the Commission's registration and inspection authority under §691.034. The proposed rule is necessary to implement the Commission's mandatory duties under §691.034, Health and Safety Code, which requires willed body programs and non-transplant anatomical donation organizations to register with the Commission, requires the Commission to inspect and may approve willed body programs and anatomical facilities, and requires the Commission to adopt rules and procedures necessary to administer registration and inspection, and the Commission's authority under §691.022(c) to establish registration and inspection requirements and procedures.

Advisory Committee

State Anatomical Advisory Committee meetings were held on December 20, 2023, January 17, 2024, and July 26, 2024, and stakeholder meetings were held on January 17, 2024 and July 24-25, 2024 to discuss the rule on the implementation of Senate Bill 2040, 88th Regular Legislative Session, and Texas Health and Safety Code chapter 691. These meetings involved discussion and rule recommendations on the registration, conditional registration, inspection and verification of accreditation for non-transplant anatomical donation organizations; treatment of donor human body or body part treated with respect while in the custody of authorized person or entities; applications requirements and procedures for initial and renewal authorization/registration with the Commission for the receipt, use, transport or distribution of human bodies or parts; and inspection requirements. Suggestions and comments made during those meetings were considered into developing the proposed rule. The State Anatomical Advisory Committee voted on June 10, 2026 to recommend the publication of the proposed rule in the *Texas Register.*

SECTION-BY-SECTION SUMMARY. The proposed rule replaces the prior §206.12, which is repealed in a simultaneous rulemaking.

The proposed rule establishes registration, application, and inspection requirements. The proposed rule requires any individual or entity wishing to receive, use, or transfer non-transplant donor whole bodies or anatomical specimens for purposes under Chapter 691 to hold an active and valid registration or authorization before operating in Texas, while exempting an individual who merely attends an event as a student or trainee; specifies the contents of an initial application, including ownership and contact information, a notarized non-ownership statement, facility information, and required documentation of regulatory compliance, consent forms, and internal policies for decedent identification, chain of custody, treatment with dignity and respect, video and photography, and security; requires applicants to pass an on-site inspection unless exempt by statute; provides for issuance, display, and a 12-month term of the authorization or registration certificate; establishes renewal requirements, a late-renewal fee, investigation and non-renewal authority, and cancellation if a renewal application is not received within 60 days of expiration; and establishes requirements for change of ownership, relocation, and renovation, each requiring a new application, the nonrefundable fee, and an on-site inspection.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, TFSC Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule, other than as described in this section.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there may be an estimated increase in revenue to the state in the form of the application, registration, renewal, inspection, and late-renewal fees collected by the Commission in connection with the registration and inspection requirements of the proposed rule. The amounts of those fees are established under §206.6 of this title and, consistent with §691.012, Health and Safety Code, are set in amounts reasonable and necessary to cover the cost of administering Chapter 691.

LOCAL EMPLOYMENT IMPACT STATEMENT. Because Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the

public benefit will be a clear and uniform registration and inspection process that ensures only qualified, inspected entities receive, use, or transfer donor bodies and anatomical specimens; protects the dignity of donors; and implements the registration and inspection framework enacted by Senate Bill 2040.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there will be additional costs to persons who are required to comply with the proposed rule. The proposed rule conditions registration or authorization on payment of the nonrefundable application fee and, on renewal, on payment of the renewal fee and any applicable late-renewal fee, in the amounts established under §206.6 of this title, and requires applicants to prepare and submit application documentation and to pass an on-site inspection unless exempt by statute.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR THE RULE WITH A FISCAL IMPACT. The proposed rule has a fiscal note that imposes a cost on regulated persons through the application, renewal, inspection, and late-renewal fees it requires (in the amounts established under §206.6 of this title) and the associated compliance requirements; however, the proposed rule falls under the exceptions for a rule that is necessary to protect the health, safety, and welfare of the residents of this state under Texas Government Code §2001.0045(c)(6), and for a rule that is necessary to implement legislation under §2001.0045(c)(9). The proposed rule implements Chapter 691, Health and Safety Code, as enacted and amended by Senate Bill 2040, 88th Legislature, Regular Session (2023). Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule requires an increase in fees paid to the agency, in that it conditions registration, renewal, and related actions on payment of the application, renewal, and late-renewal fees established under §206.6 of this title.

5. The proposed rule creates a new regulation, in that it establishes the registration, application, inspection, renewal, ownership-change, relocation, and renovation requirements implementing §691.034, Health and Safety Code, as amended by Senate Bill 2040.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULE. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.034, which requires willed body programs and non-transplant anatomical donation organizations to register with the Commission, provides for conditional registration, requires the Commission to inspect and may approve willed body programs and anatomical facilities, requires the Commission to establish a process to periodically verify a non-transplant anatomical donation organization's compliance, authorizes investigations and inspections, authorizes suspension or revocation of registration or other authorization, provides for a hearing, and requires the Commission to adopt rules and procedures necessary to administer the section; §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter, including rules establishing registration and inspection requirements and procedures, and authorizes administrative penalties in the manner provided by Chapter 651, Occupations Code; and §691.012, which authorizes the Commission by rule to set and collect fees, including fees for registration and for conducting inspections and verification activities. The proposed rule is also proposed under Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691; and Texas Occupations Code, Chapter 651.

§206.12. Registration Application and Inspection Required.

(a) Authorization or registration required. Any individual or entity wishing to receive, use, or transfer non-transplant donor whole bodies or anatomical specimen for purposes under Chapter 691, Texas Health and Safety Code, must hold an active and valid registration or authorization with the Commission prior to operating in Texas. If an individual is simply attending an event as a student or trainee, no authorization or registration is required by the individual.

(b) Initial Application. An application for an authorization or registration must be made to the commission on a form provided by the commission and accompanied with the required nonrefundable application fee.

(c) The application must contain:

(1) the name, address and phone number of:

(A) the sole proprietor, if the applicant is a sole proprietor;

(B) each general partner who is an individual, if the applicant is a partnership; and

(C) any individual who has an ownership interest of more than 25 percent in the corporation, if the applicant is a corporation.

(2) the legal name of the applicant; a description and diagram of the applicant's ownership structure; contact information; type of legal entity; and a signed notarized statement that the applicant is not owned by a TFSC commissioner or any establishment or individual licensed by the commission under Occupations Code chapter 651.

(3) if different from paragraph (2) of this subsection, the name of the applicant facility, which should be the name the facility does business as or an assumed name that would appear on the authorization or registration and should match any advertisements or facility signage; facility physical and mailing address, telephone number, website, and if licensed by another state agency, the license number and proof that the license is valid and in good standing.

(4) Documentation. The application should include the following documentation:

(A) Proof of compliance with all applicable federal, state and local laws for fire prevention and safety; storage, use and disposal of hazardous chemicals, pathogens, and medical waste; applicable zoning and facility construction requirements;

(B) Proof of compliance with all applicable federal, state and local laws for the storage, use, transfer, and receipt of donor human bodies or body parts, including that of any involved third-party for such actions, including a copy of an active crematory license and/or TCEQ Permit issued under 30 Texas Administrative Code §106.494 (relating to Non-commercial Incinerators and Crematories) if the applicant will perform cremations;

(C) A copy of the applicant's consent forms that would be provided to a potential donor or donor agent;

(D) A copy of the applicant's internal policies and procedures for:

(i) identifying each human body or body part to the individual decedent donor;

(ii) recording the chain of custody for the control or possession of the donor human body or anatomical specimen from receipt to return or disposition of the donor body or body part upon completion of use or purpose;

(iii) treatment of whole body or anatomical specimen with dignity and respect by staff, students, instructors, visitors, and all individuals who will be handling the body or specimen while the body or anatomical specimen is located at the applicant facility;

(iv) video and photography of the decedent donor or during an event in which the donor whole body or anatomical specimen is used;

(v) Security procedures to preclude unauthorized access and use of a donor whole body or anatomical specimen; and

(5) for a non-transplant anatomical organization, proof of accreditation from the AATB, or for a conditional registration application for a non-transplant anatomical organization, a statement that the applicant intends to seek accreditation when or if the organization is eligible. The non-transplant anatomical organization has a continuing obligation to notify the Commission within five (5) business days in the event the organization loses its accreditation with the AATB.

(d) All applicants must pass an on-site inspection, unless exempt by statute, prior to receiving authorization or registration by the Commission to operate in Texas.

(e) After satisfying all application requirements for authorization or registration, the executive director shall issue an authorization or registration certificate to the applicant.

(f) An authorization or registration expires on the last day of the month 12 months from the date of issue listed on the certificate. The certificate shall include the dates for which the authorization or registration is valid. The executive director may issue an authorization or registration for a shorter time period if the facility does not receive, use, or store donor whole bodies or anatomical specimen on a daily basis.

(g) The certificate must be displayed prominently in the authorized entity's facility where personnel and visitors may view.

(h) Renewal Application. Applicants must complete and submit an application for renewal on a form prescribed by the Commission. The renewal period of an authorization or registration is 12 months, unless the certificate is issued for a shorter time period.

(i) A late renewal fee will be assessed for an application for renewal which has been postmarked after its renewal date.

(j) Authorized entities may be inspected upon the submission of a renewal application.

(k) A renewal certificate will not be issued unless:

(1) all fees and outstanding penalties, if any, have been paid;

(2) the Commission's records reflect that the applicant is current on a payment plan; or

(3) the penalties previously assessed are the subject of an administrative hearing or judicial review.

(l) The Commission may investigate any circumstances involved with the renewal of any authorization or registration.

(m) A registration or authorization will be cancelled if the application for renewal is not received within 60 days of the expiration date listed on the authorization or registration certificate.

(n) The Commission may refuse to renew an outstanding registration or authorization certificate.

(o) Subsections (i) and (m) of this section do not apply to authorization or registration certificates issued for a period less than 12 months.

(p) Ownership Change. No authorization or registration may be transferred or assigned from one authorized entity to another without the approval of the commission.

(q) If a change of ownership of an authorized entity is anticipated, in order to ensure continuity of operations or services, the commission shall be informed in writing and the applicant shall submit a new application for authorization or registration and a pay a nonrefundable fee at least 30 days prior to the change of ownership of each authorized entity. The commission will make best efforts to approve or reject the ownership change within 30 days of receipt of a complete application or the entity's last response to a request for clarification or additional documentation.

(r) Relocation. If an authorized entity is relocating, the authorized entity must submit a new registration or authorization application and a pay the nonrefundable fee at least 30 days prior to the relocation.

(s) Renovation. An authorized entity that has undergone major renovations that may affect the entity's compliance with facility standards must submit a new registration or authorization application and pay the nonrefundable fee upon completion of the renovation.

(t) Applicants under subsections (r) and (s) of this section must pass an on-site inspection prior to the Commission approving an authorization or registration.

(u) If the application is approved, an authorization or registration certificate shall be issued to the applicant effective for the dates listed on the certificate. The previous authorization or registration shall be void on the date the new registration or authorization certificate is issued.

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

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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22 TAC §206.14

The Texas Funeral Service Commission (Commission or TFSC) proposes a repeal of §206.14, Final Disposition of the Body and Disposition of Remains, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Commission has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Ms. Maria Haynes, TFSC Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program. The proposed repeal implements an existing program transferred to the Commission by Senate Bill 2040 (88th Leg., R.S.).

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Commission, nor in a decrease in fees paid to the Commission

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Because the agency has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Commission; therefore, no Takings Impact Assessment is required.

LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Commission has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Ms. Haynes has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit will be clearer and more current rules that define the scope of the chapter and the terms used throughout it, implementing Senate Bill 2040 and improving the regulated community's and the public's understanding of the rules. There will not be economic costs to individuals required to comply with the repealed section.

FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Ms. Haynes also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED REPEAL. The Texas Funeral Service Commission is requesting public comments on the proposed repeal and information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed repeal. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed repeal and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed repeal is proposed under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The proposed repeal is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed repeal is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.14. Final Disposition of the Body and Disposition of Remains.
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 June 26, 2026.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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22 TAC §206.14

The Texas Funeral Service Commission (Commission or TFSC) proposes new §206.14, Disposition of the Body and Disposition of Remains, Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs. This proposed change is referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The proposed rule amends the section heading and rewrites the section governing the final disposition of a donor whole body or anatomical specimen and the disposition of remains after an authorized entity's use is complete, including return to the providing entity, burial or cremation in compliance with applicable law, and compliance with donor disposition instructions. The proposed rule is necessary to conform the section to Chapter 691 as amended by Senate Bill 2040; implement the Commission's general duties under §691.022, including the treatment-with-respect standard under §691.022(b); and ensure that final disposition occurs in compliance with Occupations Code, Chapter 651, and Health and Safety Code, Chapter 716, and with documented donor instructions.

The proposed rule was presented to and discussed by the State Anatomical Advisory Committee at its meeting on June 10, 2026. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule replaces the prior §206.14, which is repealed in a simultaneous rulemaking.

The proposed rule governs final disposition of donor whole bodies and anatomical specimens. The proposed rule provides that, once a donor whole body or anatomical specimen will no longer be used, an authorized entity prohibited by statute from receiving donations directly should return the donor to the providing entity or, in accordance with the instructions from the donor deliver the same to a licensed crematory and if permitted by the donor, inter or scatter the ashes, and an authorized entity permitted to receive donations directly is to bury or cremate the body in compliance with Occupations Code, Chapter 651, Health and Safety Code, Chapter 716, and the Commission's rules; requires the authorized entity to comply with the donor's or donor agent's instructions regarding final disposition to the extent consistent with applicable law, including the return of cremated remains to the designated individual. If remains are to be returned, the cremation chamber must be cleaned between each use and remains cannot be commingled. The proposed rule does not require the cremation or return of residual soft tissue consumed in the process or research or education, provided the requirements of state law for disposal of this tissue are followed.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, Texas Funeral Service Commission Executive Di-

rector, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be the dignified and lawful final disposition of donated human remains in compliance with applicable law and documented donor instructions, including the return of remains to designated individuals.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code Section 2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements an existing program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule does not create a new regulation. The proposed rule replaces and updates the prior disposition provisions to conform to current statutory structure.

6. The proposed rule expands, limits, or repeals an existing regulation. The proposed rule expands and clarifies existing Chapter 206 requirements and updates them to conform to current statutory structure.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.022, which requires the Commission to adopt rules to ensure that each body and anatomical specimen is treated with respect and to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; §691.030, which governs the Commission's distribution and redistribution of bodies and anatomical specimens; and §691.033, which authorizes the use of bodies and anatomical specimens and requires recordkeeping that tracks each body or anatomical specimen from intake to final disposition. The proposed rule is also proposed under Chapter 651, Occupations Code, including §651.005, and is adopted consistent with Chapter 716, Health and Safety Code (crematory services).

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 716; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.14. Disposition of the Body and Disposition of Remains.

(a) Once a donor whole body or anatomical specimen will no longer be used by an authorized entity:

(1) if the authorized entity is prohibited by statute from receiving a whole body or anatomical specimen donation directly from a donor or donor's agent, then upon completion of use of the whole body or anatomical specimen, the authorized entity should return the donor

whole body or anatomical specimen to the providing entity or a crematory establishment licensed under Occupations Code, Chapter 651, or the equivalent laws of another state, designated by the providing entity who shall, following cremation of the remains, return them to the providing entity, if permitted by the donor or donor agent's instructions, directly to the individual designated by the donor or donor's agent, or if permitted by the donor or donor agent's instructions, by internment or scattering of the cremated remains in accordance with all applicable state and local laws; and

(2) if the authorized entity is permitted by statute to receive a whole body or anatomical specimen donation directly from a donor or donor's agent, then upon completion of use of the whole body or anatomical specimen, the authorized entity is to bury, incinerate or cremate the body in compliance with Occupations Code chapter 651, Health and Safety Code chapter 716, and the commission's rules of this title, 30 TAC §106.494 (relating to Non-commercial Incinerators and Crematories), and any other applicable federal, state or local law.

(b) If the donor or donor's agent left instructions regarding the disposition of the donor's body after the authorized entity's use for the donor is completed, the authorized entity must comply with the donor's or donor agent's instructions to the extent they are consistent with applicable law and regulations, including the return of cremated remains to the individual designated by the donor or donor's agent. If residual remains are to be returned, the cremation chamber must be completely cleaned before subsequent use, and the remains must not be commingled.

(c) This section does not require the return or cremation of residual soft tissue not connected to bone or bone fragments consumed in the process of research or education by an authorized entity, provided the residual soft tissue is disposed in accordance with 25 TAC §1.136 (relating to Approved Methods of Treatment and Disposition).

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 June 26, 2026.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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22 TAC §206.21

The Texas Funeral Service Commission (Commission) proposes the repeal of §206.21, concerning Statement of the Willed Body Program.

BACKGROUND AND PURPOSE. Section 206.21 provides that each authorized institution or organization that avails itself of the option of conducting a willed body program should provide the secretary-treasurer of the board with a statement of its program, and that an applicant seeking authorization for the first time should include a statement of the provisional willed body program in its application.

The section refers to the "board" and its "secretary-treasurer" - the Anatomical Board of the State of Texas and an office of that board - which no longer perform regulatory functions following Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of May 28, 2023, 88th Leg., R.S., ch. 961), effective September 1, 2023, which transferred regulation of willed body programs to the Commission. Under Texas Health and Safety Code §691.034, a willed body program now registers with the Commission in the form and manner the Commission prescribes.

Because §206.21 references offices that no longer exist and is duplicative of the statutory registration requirement, the Commission proposes to repeal it as obsolete.

FISCAL NOTE. Ms. Maria Haynes, Executive Director of the Texas Funeral Service Commission (Commission), has determined that for the first five-year period the proposed repeal is in effect, there will be no foreseeable fiscal implications for state government or for units of local government as a result of administering or enforcing the repeal.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of the repeal will be a more accurate and current Texas Administrative Code that no longer references a board and an office that no longer exist, consistent with the registration framework established by Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of May 28, 2023, 88th Leg., R.S., ch. 961), effective September 1, 2023, which promotes clarity for regulated persons and the public. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed, because the repeal removes existing provisions and imposes no new requirements.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. The Commission has determined that the proposed repeal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities, because the repeal removes obsolete or duplicative provisions and imposes no new costs or requirements. Accordingly, neither an economic impact statement nor a regulatory flexibility analysis is required under Texas Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposed repeal will not affect a local economy, so the Commission is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

COSTS TO REGULATED PERSONS. The proposed repeal does not impose a cost on regulated persons and, therefore, is not subject to the requirements of Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. The Commission has determined that for the first five-year period the proposed repeal is in effect, the following statements apply, pursuant to Texas Government Code §2001.0221 and 34 Texas Administrative Code §11.1:

(1) the proposed repeal does not create or eliminate a government program;

(2) implementation of the proposed repeal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed repeal does not require an increase or decrease in future legislative appropriations to the Commission;

(4) the proposed repeal does not require an increase or decrease in fees paid to the Commission;

(5) the proposed repeal does not create a new regulation;

(6) the proposed repeal repeals an existing regulation (§206.21);

(7) the proposed repeal does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed repeal does not positively or negatively affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Commission has determined that the proposed repeal does not affect private real property in a manner that would require compensation to private real property owners under the Texas Constitution or the Private Real Property Rights Preservation Act, Texas Government Code Chapter 2007, and does not affect a regulation in a manner that would constitute a taking. Therefore, a takings impact assessment is not required.

MAJOR ENVIRONMENTAL RULE. The proposed repeal is not a major environmental rule as defined by Texas Government Code §2001.0225.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed repeal may be submitted to Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The repeal is proposed under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens.

CROSS-REFERENCE TO STATUTE. The proposed repeal implements Texas Health and Safety Code §691.034.

§206.21. Statement of the Willed Body 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.

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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22 TAC §206.22

The Texas Funeral Service Commission (Commission) proposes the repeal of §206.22, concerning Requirement for Self-Sufficiency.

BACKGROUND AND PURPOSE. Section 206.22 provides that schools and other major users of cadavers should establish a willed body program with the goal of becoming self-sufficient in obtaining cadavers for their own use within four years of instituting the program.

The provision is aspirational and non-binding, and it does not correspond to the current statutory framework. Following Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of May 28, 2023, 88th Leg., R.S., ch. 961), effective September 1, 2023, the Commission distributes and redistributes bodies and anatomical specimens under Texas Health and Safety Code §691.030, giving priority to the schools and colleges that need bodies for lectures and demonstrations and otherwise distributing proportionately and equitably according to student enrollment.

Because §206.22 is aspirational, non-binding, and does not correspond to the current statutory distribution framework, the Commission proposes to repeal it as obsolete.

FISCAL NOTE. Ms. Maria Haynes, Executive Director of the Texas Funeral Service Commission (Commission), has determined that for the first five-year period the proposed repeal is in effect, there will be no foreseeable fiscal implications for state government or for units of local government as a result of administering or enforcing the repeal.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of the repeal will be a more accurate and current Texas Administrative Code that reflects the statutory distribution framework established by Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of May 28, 2023, 88th Leg., R.S., ch. 961), effective September 1, 2023, and the removal of an aspirational, non-binding provision, which promotes clarity for regulated persons and the public. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed, because the repeal removes existing provisions and imposes no new requirements.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. The Commission has determined that the proposed repeal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities, because the repeal removes obsolete or duplicative provisions and imposes no new costs or requirements. Accordingly, neither an economic impact statement nor a regulatory flexibility analysis is required under Texas Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposed repeal will not affect a local economy, so the Commission is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

COSTS TO REGULATED PERSONS. The proposed repeal does not impose a cost on regulated persons and, therefore, is not subject to the requirements of Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. The Commission has determined that for the first five-year period the proposed repeal is in effect, the following statements apply, pursuant to Texas Government Code §2001.0221 and 34 Texas Administrative Code §11.1:

(1) the proposed repeal does not create or eliminate a government program;

(2) implementation of the proposed repeal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed repeal does not require an increase or decrease in future legislative appropriations to the Commission;

(4) the proposed repeal does not require an increase or decrease in fees paid to the Commission;

(5) the proposed repeal does not create a new regulation;

(6) the proposed repeal repeals an existing regulation (§206.22);

(7) the proposed repeal does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed repeal does not positively or negatively affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Commission has determined that the proposed repeal does not affect private real property in a manner that would require compensation to private real property owners under the Texas Constitution or the Private Real Property Rights Preservation Act, Texas Government Code Chapter 2007, and does not affect a regulation in a manner that would constitute a taking. Therefore, a takings impact assessment is not required.

MAJOR ENVIRONMENTAL RULE. The proposed repeal is not a major environmental rule as defined by Texas Government Code §2001.0225.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed repeal may be submitted to Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The repeal is proposed under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens.

CROSS-REFERENCE TO STATUTE. The proposed repeal implements Texas Health and Safety Code §691.030.

§206.22. Requirement for Self-Sufficiency.

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 June 26, 2026.

TRD-202602627

Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 936-2488

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 504. ABORTION FACILITY REPORTING AND LICENSING

SUBCHAPTER A. GENERAL PROVISIONS

26 TAC §504.2

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amended §504.2, concerning Definitions.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Senate Bill (SB) 31, 89th Legislature, Regular Session, 2025. SB 31 amended Texas Health and Safety Code (THSC) Chapter 245 by expanding the definition of ectopic pregnancy to also mean the implantation of a fertilized egg or embryo in an abnormal location in the uterus, or in a scarred portion of the uterus, causing the pregnancy to be non-viable.

The proposal is necessary to ensure consistency with amended THSC §245.002.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §504.2 updates the definition of ectopic pregnancy to read as the implantation of a fertilized egg or embryo occurring outside of the uterus, or in an abnormal location in the uterus, or in a scarred portion of the uterus, causing the pregnancy to be non-viable.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will not expand, limit, or repeal an existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule does not impose a cost or require small businesses, micro-businesses, or rural communities to alter their current business practices and the rule is codifying current practices as required by statute.

LOCAL EMPLOYMENT IMPACT

The proposed rule 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; does not impose a cost on regulated persons; and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

David Kostroun, Deputy Executive Commissioner, Regulatory Services Division, has determined that for each year of the first five years the rule is in effect, the public benefit will be consistency between rule and statute.

Trey Wood 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 because the rule is making the definition of ectopic pregnancy in rule consistent with the definition in statute.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

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) emailed before midnight on the last day of the comment period. If the 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 26R025" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which authorizes the executive commissioner of HHSC to adopt rules for the health and human services system; THSC §245.011, which requires physicians to report to HHSC information about each abortion performed; and THSC §171.006, which requires physicians and certain health care facilities to report to HHSC information about each abortion complication diagnosed or treated.

The amendment implements Texas Government Code §524.0151, THSC §245.011, and THSC §171.006.

§504.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) - (19) (No change.)

(20) Ectopic pregnancy--The implantation of a fertilized egg or embryo:

(A) outside of the uterus; or [.]

(B) in an abnormal location in the uterus, or in a scarred portion of the uterus, causing the pregnancy to be non-viable.

(21) - (60) (No change.)

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 June 29, 2026.

TRD-202602660
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 834-4591

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CHAPTER 505. HOSPITAL LICENSING
SUBCHAPTER C. OPERATIONAL REQUIREMENTS

26 TAC §505.47

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §505.47, concerning Abuse and Neglect Issues.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Senate Bill (SB) 437, 89th Legislature, Regular Session, 2025. In part, SB 437 amended Texas Health and Safety Code (HSC) §161.133 to allow in-service training on abuse, neglect, exploitation (ANE) and illegal, unprofessional, and unethical conduct in certain health care facilities to be provided either in person or through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee.

The amendment to §505.47 will allow general and special hospitals to provide in-service training either in person or through a live, interactive, instructor-led and electronic method. Additionally, edits are made to update cross references and correct punctuation.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §505.47 allows general and special hospitals to conduct ANE training through in person or a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee. The amendment also updates cross references to other Texas Administrative Code rules and corrects punctuation.

FISCAL NOTE

Victoria Grady, Deputy Chief of Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will not expand, limit, or repeal existing regulations;

(7) the proposed rule will not change the number of individuals subject to the rules; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule does not impose a cost or require small business, micro-businesses, or rural communities to alter current business practices and the rule is codifying current practices as required by statute.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons, is amended to reduce the burden or responsibilities imposed on regulated persons by the rule, and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

David Kostroun, Chief Regulatory Services Officer, has determined that for each year of the first five years the rule is in effect, facility staff will have easier access to ANE training, and facilities will have greater flexibility in how such training is provided. As a result, the public will benefit from staff trained more easily and quickly which will enhance public safety.

Victoria Grady 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 because the rule is codifying current practices as required by statute.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

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) emailed before midnight on the last day of the comment period. If the 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 26R014 " in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and Texas Health and Safety Code §161.133, which requires the executive commissioner to require certain facilities to annually provide eight hours of ANE training.

The amendment implements Texas Government Code §524.0151 and HSC §161.133.

§505.47. Abuse and Neglect Issues.

(a) Reporting. Incidents of abuse, neglect, exploitation, or illegal, unethical or unprofessional conduct as those terms are defined in subsections (b) and (c) of this section shall be reported to the Texas Health and Human Services Commission (HHSC) as provided in subsections (b) and (c)(3) of this section.

(b) Abuse or neglect of a child, and abuse, neglect, or exploitation of an elderly or disabled person. The following terms in this section have the following meanings unless the context clearly indicates otherwise [~~definitions apply only to this subsection~~].

(1) Abuse or neglect of a child, as defined in 25 TAC §1.204(a) and (b) [~~of this title~~] (relating to Abuse, Neglect, and [~~or~~] Exploitation Defined).

(2) Abuse, neglect, or exploitation of an elderly or disabled person, as defined in 25 TAC §1.204 [~~§1.204(a) - (c) of this title~~].

(c) Abuse and neglect of individuals with mental illness, and illegal, unethical, and unprofessional conduct. [~~The requirements of this subsection are in addition to the requirements of subsection (b) of this section.~~]

(1) Definitions. The following terms in this section have the following meanings unless the context clearly indicates otherwise. The terms [definitions] are in accordance with Texas Health and Safety Code (HSC) §161.131 and apply only to this section [subsection].

(A) Abuse--

(i) Abuse (as the term is defined in United States Code Title 42 (42 USC) Chapter 114 (relating to Protection and Advocacy for Individuals with Mental Illness) is any act or failure to act by an employee of a facility rendering care or treatment which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to an individual with mental illness, and includes acts such as:

(I) the rape or sexual assault of an individual with mental illness;

(II) the striking of an individual with mental illness;

(III) the use of excessive force when placing an individual with mental illness in bodily restraints; and

(IV) the use of bodily or chemical restraints on an individual with mental illness which is not in compliance with federal and state laws and regulations.

(ii) In accordance with HSC §161.132(j), abuse also includes coercive or restrictive actions that are illegal or not justified by the patient's condition and that are in response to the patient's request for discharge or refusal of medication, therapy, or treatment.

(B) Illegal conduct--Illegal conduct (as the term is defined in HSC §161.131(4)) is conduct prohibited by law.

(C) Neglect--Neglect (as the term is defined in 42 USC §10801 et seq.) is a negligent act or omission by any individual responsible for providing services in a facility rendering care or treatment which caused or may have caused injury or death to an individual with mental illness or which placed an individual with mental illness at risk of injury or death, and includes an act or omission such as the failure to establish or carry out an appropriate individual program plan or treatment plan for an individual with mental illness, the failure to provide adequate nutrition, clothing, or health care to an individual with mental illness, or the failure to provide a safe environment for an individual with mental illness, including the failure to maintain adequate numbers of appropriately trained staff.

(D) Unethical conduct--Unethical conduct (as the term is defined in HSC §161.131(11)) is conduct prohibited by the ethical standards adopted by state or national professional organizations for their respective professions or by rules established by the state licensing agency for the respective profession.

(E) Unprofessional conduct--Unprofessional conduct (as the term is defined in HSC §161.131(12)) is conduct prohibited under rules adopted by the state licensing agency for the respective profession.

(2) Posting requirements. A hospital shall prominently and conspicuously post for display in a public area that is readily visible to patients, residents, volunteers, employees, and visitors a statement of the duty to report abuse and neglect, or illegal, unethical, or unprofessional conduct in accordance with HSC §161.132(e). The statement shall be in English and in a second language appropriate to the demographic makeup of the community served and contain the current toll-free telephone number for submitting a complaint to HHSC as specified on the HHSC website.

(3) Reporting responsibility.

(A) Reporting abuse and neglect. A person, including an employee, volunteer, or other person associated with the hospital who reasonably believes or who knows of information that would reasonably cause a person to believe that the physical or mental health or welfare of a patient of the hospital who is receiving mental health or chemical dependency services has been, is, or will be adversely affected by abuse or neglect (as those terms are defined in this section [subsection]) by any person shall as soon as possible report the information supporting the belief to HHSC or to the appropriate state health care regulatory agency in accordance with HSC §161.132(a).

(B) Reporting illegal, unprofessional, or unethical conduct. An employee of or other person associated with a hospital, including a health care professional, who reasonably believes or who knows of information that would reasonably cause a person to believe that the hospital or an employee or health care professional associated with the hospital, has, is, or will be engaged in conduct that is or might be illegal, unprofessional, or unethical and that relates to the operation of the hospital or mental health or chemical dependency services provided in the hospital shall as soon as possible report the information supporting the belief to HHSC or to the appropriate state health care regulatory agency in accordance with HSC §161.132(b).

(4) Training requirements. As a condition of continued licensure, a [A] hospital that provides comprehensive medical rehabilitation, inpatient mental health, or substance use disorder services shall [annually] provide [as a condition of continued licensure] a minimum of eight hours of [in-service] training annually. Training shall be designed to help [assist] employees and health care professionals associated with the hospital in identifying patient abuse or neglect and illegal, unprofessional, or unethical conduct. A hospital shall [by or in the hospital and] establish a means for monitoring compliance with the training requirement. This training must be provided either:

(A) in person; or

(B) through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee.

(d) Investigations. A complaint under this section [subsection] will be investigated or referred by HHSC as follows.

(1) Allegations under subsection (b) of this section will be investigated in accordance with 25 TAC §1.205 [of this title] (relating to Reports and Investigations) and 25 TAC §1.206 [of this title] (relating to Completion of Investigation).

(2) Allegations under subsection (c) of this section will be investigated in accordance with §505.103 [§133.103] of this chapter (relating to Complaint Investigations). Allegations concerning a health care professional's failure to report abuse and neglect or illegal, unprofessional, or unethical conduct will not be investigated by HHSC but will be referred to the individual's licensing board for appropriate disciplinary action.

(3) Allegations under both subsections (b) and (c) will be investigated in accordance with 25 TAC §1.205 and 25 TAC §1.206 [of this title] except as noted in paragraph (2) of this subsection concerning a health care professional's failure to report.

(e) Submission of complaints. A complaint made under this section may be submitted in writing or verbally to HHSC.

(f) Notification.

(1) For complaints under subsection (b) of this section, HHSC shall provide notification according to the following.

(A) HHSC shall notify the reporter, if known, in writing of the outcome of the completed investigation.

(B) HHSC shall notify the alleged victim, and the alleged victim's parent or guardian if a minor, in writing of the outcome of the completed investigation.

(2) For complaints under subsection (c) of this section, HHSC informs, in writing, the complainant who identifies themselves by name and address of the following:

(A) the receipt of the complaint;

(B) if the complainant's allegations are potential violations of this chapter warranting an investigation;

(C) whether the complaint will be investigated by HHSC;

(D) whether and to whom the complaint will be referred; and

(E) the findings of the complaint investigation.

(g) HHSC reporting and referral.

(1) Reporting health care professional to licensing board.

(A) In cases of abuse, neglect, or exploitation[~~, as those terms are defined in subsection (b) of this section,~~] by a licensed, certified, or registered health care professional, HHSC may forward a copy of the completed investigative report to the state agency that licenses, certifies, or registers the [~~health care~~] professional. Any information in the report which might reveal the identity of the reporter or any other patients of the hospital must be blacked out or de-identified [~~deidentified~~].

(B) A health care professional who fails to report abuse and neglect or illegal, unprofessional, or unethical conduct as required by subsection (c)(3) of this section may be referred by HHSC to the individual's licensing board for appropriate disciplinary action.

(2) Sexual exploitation reporting requirements. In addition to the reporting requirements described in subsection (c)(3) of this section, a mental health services provider must report suspected sexual exploitation in accordance with Texas Civil Practice and Remedies Code §81.006.

(3) Referral follow-up. HHSC shall request a report from each referral agency of the action taken by the agency six months after the referral.

(4) Referral of complaints. A complaint containing allegations which are not a violation of HSC Chapter 241 or this chapter will not be investigated by HHSC but shall be referred to law enforcement agencies or other agencies, as appropriate.

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 June 29, 2026.

TRD-202602661
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 834-4591

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CHAPTER 564. CHEMICAL DEPENDENCY TREATMENT FACILITIES

SUBCHAPTER F. PERSONNEL PRACTICES AND DEVELOPMENT

26 TAC §564.603

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §564.603, concerning Training.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Senate Bill (SB) 437, 89th Legislature, Regular Session, 2025. In part, SB 437 amended Texas Health and Safety Code (HSC) §161.133 to allow in-service training on abuse, neglect, exploitation (ANE) and illegal, unprofessional, and unethical conduct in certain health care facilities to be provided either in person or through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee.

The proposed amendment is necessary for HHSC to update rules for chemical dependency treatment facilities (CDTFs) as current rules prohibit facilities from conducting ANE training virtually.

Additionally, edits are made to remove outdated language and references and to correct grammar. The rule is also reorganized for clarity and to improve readability.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §564.603 removes outdated language and references and corrects grammar. The rule is also reorganized for clarity and to improve readability. The amendment also adds relevant information for the training program to allow CDTFs to conduct ANE training through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employees.

FISCAL NOTE

Victoria Grady, Deputy Chief of Finance, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will not expand, limit, or repeal existing regulations;

(7) the proposed rule will not change the number of individuals subject to the rules; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule does not impose a cost or require small businesses, micro-businesses, or rural communities to alter current business practices and the rule is codifying current practices as required by statute.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons, is amended to reduce the burden or responsibilities imposed on regulated persons by the rule, and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

David Kostroun, Chief Regulatory Services Officer, has determined that for each year of the first five years the rule are in effect, facility staff will have easier access to ANE training, and facilities will have greater flexibility in how such training is provided. As a result, the public will benefit from staff trained more easily and quickly which will enhance public safety.

Victoria Grady 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 because the rule is codifying current practices as required by statute.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

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) emailed before midnight on the last day of the comment period. If the 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 26R014 " in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; HSC §464.009, which authorizes the executive commissioner of HHSC to adopt rules governing organization and structure, policies and procedures, staffing requirements, services, client rights, records, physical plant requirements, and standards for licensed chemical dependency treatment facilities; and HSC §161.133 which requires the executive commissioner to require certain facilities to annually provide eight hours of ANE training.

The amendment implements Texas Government Code §524.0151, and HSC §464.009 and §161.133.

§564.603. Training.

(a) Virtual Training. Unless otherwise specified, video, manual, or computer-based training is acceptable if the supervisor discusses and documents the material with the staff person in a face-to-face session to highlight key issues and answer questions.

(b) Records. The facility shall maintain documentation of all required training.

(1) Documentation of external training shall include:

(A) date;

(B) number of hours;

(C) topic;

(D) instructor's name; and

(E) signature of the instructor (or equivalent verification).

(2) The facility shall maintain documentation of all internal training. For each topic, the file shall include:

(A) an outline of the contents;

(B) the name, credentials, relevant qualifications of the person providing the training, and

(C) the method of delivery.

(3) For each group training session, the facility shall maintain on file a dated attendee sign-in sheet for the in-person training and a dated attendee list for the virtual training.

(c) Orientation. Prior to performing their duties and responsibilities, the facility shall provide orientation to staff, volunteers, and students. This orientation shall include information addressing:

(1) Texas Health and Human Services (HHSC) [~~TCADA~~] rules;

(2) facility policies and procedures;

(3) client rights;

(4) client grievance procedures;

(5) confidentiality of client-identifying information provided in 42 CFR Part 2 [(~~42 C.F.R. pt. 2; HIPAA~~)];

(6) standards of conduct; and

(7) emergency and evacuation procedures.

(d) Initial training. A facility employee must complete the [~~The~~] following initial training [~~training(s) must be received~~] within

the first 90 days of employment [~~and must be completed~~] before the employee can perform a function to which the specific training is applicable. The employee must complete subsequent [~~Subsequent~~] training [~~must be completed~~] as specified.

(e) [~~(1)~~] Abuse, neglect, and exploitation training [~~Neglect, and Exploitation~~]. [~~All residential program personnel with any direct client contact shall receive eight hours of face-to-face training as described in Figure: 40 TAC §148.603(d)(1) which is attached hereto and incorporated herein as if set forth at length. All outpatient program personnel with any direct client contact shall received two hours of abuse, neglect and exploitation training.~~]

(1) All direct care staff shall receive abuse, neglect, and exploitation training.

(A) All outpatient program personnel with any direct client contact shall receive at least two hours of abuse, neglect, and exploitation training annually.

(B) All residential program personnel with any direct client contact shall receive at least eight hours of abuse, neglect, and exploitation training annually.
[~~Figure: 40 TAC §148.603(d)(1)~~]

(2) A facility shall provide abuse, neglect, and exploitation training:

(A) in person; or

(B) through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee.

(3) The training shall include at least:

(A) applicable requirements under:

(i) §564.502 of this chapter (relating to Operational Plan, Policies and Procedures); and

(ii) Subchapter G of this chapter (relating to Client Rights);

(B) the facility's policies and procedures relating to client rights, client abuse, neglect, exploitation, and illegal, unprofessional, and unethical conduct, adopted by the facility's governing body as required under §564.502 of this chapter;

(C) procedures and legal requirements, including requirements under §564.509 of this chapter (relating to Incident Reporting) and Texas Health and Safety Code §161.132, for reporting incidents, suspicions, and allegations of client abuse, neglect, exploitation, and illegal, unprofessional, and unethical conduct;

(D) the legal protection afforded to staff, personnel, associated practitioner and any other individual who report client abuse, neglect, exploitation, or illegal, unprofessional, or unethical conduct; and

(E) training to assist the staff and any professional associated with the facility in identifying, minimizing the risk to clients of, and responding to client abuse, neglect, exploitation, and illegal, unprofessional, or unethical conduct by, in, or in connection or association with, the facility.

(f) [~~(2)~~] HIV, Hepatitis B and C, Tuberculosis and Sexually Transmitted Diseases. All personnel with any direct client contact shall receive this training. [~~The training shall be based on the Texas Commission on Alcohol and Drug Abuse Workplace and Education Guidelines for HIV and Other Communicable Diseases.~~]

(1) [~~(A)~~] The initial training shall be three hours in length.

(2) [~~(B)~~] Staff shall receive annual updated information about these diseases.

(g) [~~(3)~~] Cardio Pulmonary Resuscitation (CPR).

(1) [~~(A)~~] All direct care staff in a residential program shall maintain current CPR and First Aid certification.

(2) [~~(B)~~] Licensed health professionals and personnel in licensed medical facilities are exempt if emergency resuscitation equipment and trained response teams are available 24 hours a day.

(h) [~~(4)~~] Nonviolent Crisis Intervention. All direct care staff in residential programs and outpatient programs shall receive this training. The face-to-face training shall teach staff how to use verbal and other non-physical methods for prevention, early intervention, and crisis management. The instructor shall have documented successful completion of a course for crisis intervention instructors or have equivalent documented training and experience.

(1) [~~(A)~~] The initial training shall be four hours in length.

(2) [~~(B)~~] Staff shall complete two hours of annual training thereafter.

(i) [~~(5)~~] Restraint and/or Seclusion. All direct care staff in residential programs and programs accepting court commitments that use or authorize the use of restraint or seclusion shall have face-to-face training and demonstrate competency in the safe methods of the specific procedures before assuming job duties involving direct care responsibilities. This includes programs that accept adolescent residential and emergency detentions.

(1) [~~(A)~~] The initial training must be four hours in length.

(2) [~~(B)~~] Staff shall complete four hours of annual training thereafter.

(3) [~~(C)~~] The training shall include hands-on practice under the supervision of a qualified instructor.

(4) [~~(D)~~] The training program shall include:

(A) [~~(i)~~] identifying the underlying causes of threatening behaviors exhibited by the clients receiving services;

(B) [~~(ii)~~] identifying aggressive or threatening behavior;

(C) [~~(iii)~~] explaining how the behavior of personnel can affect the behaviors of clients;

(D) [~~(iv)~~] using de-escalation, mediation, self-protection, and other techniques;

(E) [~~(v)~~] recognizing and responding to signs of physical distress in clients who are being restrained, if the facility uses or authorizes the use of restraint;

(F) [~~(vi)~~] identifying the risks associated with positional, compression, or restraint asphyxiation and with prone and supine holds, if the facility uses or authorizes the use of restraint;

(G) [~~(vii)~~] the initiation of seclusion, if the facility uses or authorizes the use of seclusion;

(H) [~~(viii)~~] the application of personal restraint, if the facility uses or authorizes the use of personal restraint;

(I) [~~(ix)~~] the application of approved restraint devices, if the facility has on premises, authorizes the use of, or uses any mechanical restraint devices;

(J) [~~(x)~~] monitoring cardiac and respiratory status and interpreting their relevance to the physical safety of the client in re-

straint, if the facility uses or authorizes the use of restraint, or seclusion, if the facility uses or authorizes the use of seclusion;

(K) [~~(xi)~~] addressing physical and psychological status and comfort, including signs of distress;

(L) [~~(xii)~~] assisting clients in meeting behavioral criteria for the discontinuation of restraint, if the facility uses or authorizes the use of restraint, or seclusion, if the facility uses or authorizes the use of seclusion;

(M) [~~(xiii)~~] recognizing readiness for the discontinuation of restraint, if the facility uses or authorizes the use of restraint, or seclusion, if the facility uses or authorizes the use of seclusion; and

(N) [~~(xiv)~~] recognizing when to contact emergency medical services to evaluate and [~~and/or~~] treat a client for an emergency medical condition.

(j) [~~(6)~~] Intake, Screening and Admission Authorization. All staff who conduct intake, screening and authorize admission for applicants to receive program services shall complete training in the program's screening and admission procedures. The training shall include two hours of the Diagnostic and Statistical Manual of Mental Disorders [~~DSM~~] diagnostic criteria for substance-related disorders, and other mental health diagnoses.

(1) [~~(A)~~] The initial training shall be eight hours in length.

(2) [~~(B)~~] Staff shall complete eight hours of annual training thereafter.

(3) [~~(C)~~] The training shall be completed before staff screen or authorize applicants for admission.

(k) [~~(7)~~] Self-administration of Medication. All personnel responsible for supervising clients in self-administration of medication, who are not credentialed to administer medication, shall complete this training before performing this task.

(1) [~~(A)~~] Staff shall complete two hours initial one time training.

(2) [~~(B)~~] The training shall be provided by a physician, pharmacist, physician assistant, or registered nurse before administering medication and shall include:

(A) [~~(i)~~] prescription labels;

(B) [~~(ii)~~] medical abbreviations;

(C) [~~(iii)~~] routes of administration;

(D) [~~(iv)~~] use of drug reference materials;

(E) [~~(v)~~] storage, maintenance, handling, and destruction of medication;

(F) [~~(vi)~~] documentation requirements; and

(G) [~~(vii)~~] procedures for medication errors, adverse reactions, and side effects.

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 June 29, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 834-4591

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CHAPTER 568. STANDARDS OF CARE AND TREATMENT IN PSYCHIATRIC HOSPITALS
SUBCHAPTER G. STAFF DEVELOPMENT

26 TAC §568.121

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §568.121, concerning Staff Member Training.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Senate Bill (SB) 437, 89th Legislature, Regular Session, 2025. In part, SB 437 amended Texas Health and Safety Code (HSC) §161.133 to allow in-service training on abuse, neglect, exploitation (ANE) and illegal, unprofessional, and unethical conduct in certain health care facilities to be provided either in person or through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee.

The proposed amendment to §568.121 allows private psychiatric hospitals (PPHs) to conduct ANE training through in person or a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §568.121 allows PPHs to conduct ANE training through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee. The amendment also updates cross references to Texas Administrative Code rules.

FISCAL NOTE

Victoria Grady, Deputy Chief of Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will not expand, limit, or repeal existing regulations;

(7) the proposed rule will not change the number of individuals subject to the rules; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule does not impose a cost or require small businesses, micro-businesses, or rural communities to alter current business practices and the rule is codifying current practices as required by statute.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons, is amended to reduce the burden or responsibilities imposed on regulated persons by the rule, and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

David Kostroun, Chief Regulatory Services Officer, has determined that for each year of the first five years the rule is in effect, facility staff will have easier access to ANE training, and facilities will have greater flexibility in how such training is provided. As a result, the public will benefit from staff trained more easily and quickly which will enhance public safety.

Victoria Grady 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 because the rule is codifying current practices as required by statute.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

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) emailed before midnight on the last day of the comment period. If the 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 26R014" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, HSC §161.133 which requires the executive commissioner to require certain facilities to annually provide eight hours of ANE training.

The amendment implements Texas Government Code §524.0151 and HSC §161.133.

§568.121. Staff Member Training.

(a) Training. Staff member training shall be in accordance with §301.331 of this title (relating to Competency and Credentialing).

(1) A hospital administrator, or administrator's designee, shall:

(A) ensure that services are provided by staff members who are operating within their scope of their license, credentialing, job description, or contract specification, and in accordance with applicable state law and rule, including Chapter 320, Subchapter C of this title (relating to Interventions in Mental Health Services) [~~25 TAC Chapter 415, Subchapter F (relating to Interventions in Mental Health Services)~~];

(B) define competency-based expectations for each hospital staff position and ensure each staff member receives initial training before the staff member assumes responsibilities required by the hospital and annually throughout the staff member's employment with the hospital;

(C) provide hospital staff with live, interactive, instructor-led electronic or face-to-face training competency-based training; and

(D) require all staff members to demonstrate required competencies delineated in §301.331(a)(3)(A) of this title, including:

(i) identifying, preventing, and reporting abuse and neglect of patients and unprofessional or unethical conduct in the hospital, as defined by Texas Health and Safety Code §161.131 [~~(relating to Definitions)~~];

(ii) identifying, preventing, and reporting abuse, neglect, and exploitation as follows, in accordance with Texas Health and Safety Code §161.133 [~~(relating to In-service Training)~~]:

(I) residential staff must receive eight hours of training;

(II) training must be conducted either in person, or [~~and not~~] through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employee [~~teleconferencing, web-based video conferencing, or other technology~~];

(III) a hospital must ensure all new employees receive training on abuse, neglect, and exploitation; and

(IV) a hospital may provide abuse, neglect, and exploitation training to staff or may choose to contract with an outside entity to provide the training;

(iii) preserving and protecting dignity and rights of a patient in accordance with Chapter 320, Subchapter A of this title (relating to Rights of Individuals Receiving Mental Health Services) [~~25 TAC Chapter 404, Subchapter E (relating to Rights of Persons Receiving Mental Health Services)~~]; and

(iv) preserving and protecting confidentiality of a patient's information in accordance with Texas Health and Safety

Code Chapter 611 or Chapter 241, Subchapter G, as applicable, 42 CFR Part 2, and 45 CFR Parts 160 and 164.

(2) All registered nurses (RNs), licensed vocational nurses (LVNs), and unlicensed assistive personnel (UAP) shall receive training in:

(A) monitoring for patient safety in accordance with §568.67 of this chapter (relating to Protection of a Patient);

(B) infection control in accordance with §510.41(d) of this title (relating to Facility Functions and Services); and

(C) the hospital's mandatory overtime policy required by §568.63(k) of this chapter (relating to Nursing Services).

(3) An RN and LVN shall receive training in the process for reporting concerns regarding the adequacy of the staffing plan, as described in §568.63(h) of this chapter.

(4) A staff member routinely providing treatment to, working with, or providing consultation about a patient who is younger than 18 years of age shall receive training in the aspects of growth and development (including physical, emotional, cognitive, educational and social) and the treatment needs of patients in the following age groups:

(A) early childhood (1-5 years of age);

(B) late childhood (6-13 years of age); and

(C) adolescent (14-17 years of age).

(5) A staff member routinely providing treatment to, working with, or providing consultation about a patient diagnosed with co-occurring psychiatric and substance-related disorders (COPSD) shall receive training in substance-related and addictive disorders.

(6) A staff member routinely providing treatment to, working with, or providing consultation about a geriatric patient shall receive training in the social, psychological, and physiological changes associated with aging.

(7) In accordance with Texas Health and Safety Code §572.0025(e), a pre-admission screening professional (PASP) shall receive at least eight hours of pre-admission screening and intake training, as described in subsection (c) of this section.

(8) In accordance with Texas Health and Safety Code §572.0025(e), a staff member whose responsibilities include conducting the hospital's intake process for a patient shall receive at least eight hours of pre-admission screening and intake training, as described in subsection (c) of this section.

(9) A staff member who may initiate an involuntary intervention shall receive training in and demonstrate competency in performing such interventions in accordance with Chapter 320, Subchapter C of this title before [~~25 TAC Chapter 415, Subchapter F (relating to Interventions in Mental Health Services) prior to~~] performing such interventions.

(b) Breathing and cardiac emergency training. A staff member providing direct patient care shall maintain certification in a course developed by the American Heart Association, the American Red Cross, or the Health and Safety Institute in recognizing and caring for breathing and cardiac emergencies. The course shall teach the following skills appropriate to the age of the hospital's patients:

(1) rescue breathing, with and without devices;

(2) airway obstruction;

(3) cardiopulmonary resuscitation; and

(4) use of an automated external defibrillator.

(c) Pre-admission screening and intake training. The pre-admission screening and intake training required by subsections (a)(7) and (8) of this section shall provide instruction to staff members regarding:

(1) assessing, interviewing, and diagnosing an individual with a mental illness and an individual diagnosed with COPSD;

(2) obtaining relevant information about the patient, including information about finances, insurance benefits and advance directives;

(3) explaining, orally and in writing, the patient's rights described in Chapter 320, Subchapter A of this title [~~25 TAC Chapter 404, Subchapter E (relating to Rights of Persons Receiving Mental Health Services)~~];

(4) explaining, orally and in writing, the hospital's services and treatment as they relate to the patient;

(5) informing the patient in writing of the existence, telephone number, and address of the protection and advocacy system of the state of Texas; and

(6) determining whether the patient comprehends the information provided in accordance with paragraphs (3) - (5) of this subsection.

(d) Frequency of training. A hospital shall provide the training described in subsection (a) of this section, periodically, as follows.

(1) A staff member shall receive the patient rights training required by subsection (a)(1)(D)(iii) of this section:

(A) before assuming responsibilities at the hospital; and

(B) annually throughout the staff member's employment or association with the hospital.

(2) A staff member shall receive the training in identifying, preventing, and reporting abuse and neglect of patients and unprofessional or unethical conduct required by subsection (a)(1)(D)(i) of this section annually throughout the staff member's employment or association with the hospital, as set forth in Texas Health and Safety Code §161.133.

(3) A staff member shall receive the training required by subsections (a)(1)(D) and (a)(2) - (5) of this section:

(A) before assuming responsibilities at the hospital; and

(B) annually throughout the staff member's employment or association with the hospital.

(4) A staff member shall have the certification required by subsection (b) of this section:

(A) before assuming responsibilities at the hospital; or

(B) not later than 30 days after the staff member is hired by the hospital if another staff member who has such certification is physically present and on-duty on the same unit on which the uncertified staff member is on-duty.

(5) A pre-admission screening professional (PASP) shall receive the training required by subsection (a)(7) of this section:

(A) before the PASP conducting a pre-admission screening; and

(B) annually throughout the PASP's employment or association with the hospital.

(6) A staff member shall receive the training required by subsection (a)(8) of this section:

(A) before conducting the intake process; and

(B) annually throughout the staff member's employment or association with the hospital.

(7) A staff member shall receive the training required by subsection (a)(9) of this section at the intervals described in Chapter 320, Subchapter C of this title [~~25 TAC Chapter 415, Subchapter F~~].

(e) Documentation of training.

(1) A hospital shall document that a staff member has successfully completed the training described in subsection (a) of this section including:

(A) the date of the training;

(B) the length of the training session; and

(C) the name of the instructor.

(2) A hospital shall maintain certification or other evidence issued by the American Heart Association, the American Red Cross or the Health and Safety Institute that a staff member has successfully completed the training described in subsection (b) of this section.

(f) Performance in accordance with training. A staff member shall perform the staff member's responsibilities in accordance with the training and certification required by this section.

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 June 29, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 834-4591

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CHAPTER 742. MINIMUM STANDARDS FOR LISTED FAMILY HOMES

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §742.401, concerning What are the notification requirements; and the repeal of §742.806, concerning What are the requirements if my home chooses to maintain and administer unassigned epinephrine auto-injectors.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill (HB) 163, 89th Legislature, Regular Session, 2025. HB 163 repealed statutory provisions in Texas Health and Safety Code §773.0145(a) and (b), regarding possession and administration of unassigned epinephrine in a child-care facility as defined by Texas Human Resources Code (HRC) §42.002.

The proposed amendment and repeal in Chapter 742 removes the parental notification and policy requirements related to unassigned epinephrine auto-injectors for children in listed family homes.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §742.401, What are the notification requirements, changes the rule title to "Notification Requirements," because HHSC Child Care Regulation (CCR) plans to stop using questions for rule titles. The proposed amendment adds statutory and rule references in subsections (a)(1), (b), and (e) because similar rules for other child care operations provide these references. The proposed amendment replaces first-person pronouns with nouns for clarity. The proposed amendment in subsection (c)(3) replaces the requirement for a listed family home caregiver to notify a child's parent immediately if the child has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector with a requirement for a listed family home to notify a child's parent immediately if the child requires administration of a medication in a medical emergency as described in Chapter 742. This change is needed to ensure parental notification of any medication administered to a child in a medical emergency to prevent the death or serious bodily injury of the child, as allowed by §742.803(e). The proposed amendment uses plain language to improve understanding and effectiveness of the rule.

The proposed repeal of §742.806 removes the requirement for a home to have and implement a policy if the home maintains and administers unassigned epinephrine auto-injectors because HB 163 removed child care facilities from the list of entities required to adopt such a policy.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC 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 not create a new regulation;

(6) the proposed rules will expand and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

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 do not impose a cost on regulated persons and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rules are in effect, the public will benefit from rules that comply with state law.

Trey Wood 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 because the rules do not require a listed family home to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rules, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

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) emailed before midnight on the last day of the comment period. If the 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 26R013" in the subject line.

SUBCHAPTER D. NOTIFICATIONS AND LIABILITY INSURANCE REQUIREMENTS

26 TAC §742.401

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and §524.0005, and HRC §42.042(a).

§742.401. Notification Requirements. [What are the notification requirements?]

(a) A caregiver must notify the Department of Family and Protective Services immediately at 1-800-252-5400 if:

(1) the caregiver suspects a child has been abused, neglected, or exploited, as defined in Texas Family Code §261.001; [There is any suspected abuse, neglect, or exploitation;]

(2) a [A] child dies while in the caregiver's [your] care; [or]

(3) a [A] child was left unattended [forgotten] in the caregiver's [a] vehicle; or

(4) a child wandered away from the caregiver's [your] home or care unsupervised.

(b) If it is alleged or suspected that a child has been abused, neglected, or exploited as defined in Texas Family Code §261.001, while in the care of the caregiver, the caregiver must notify the parent of the child immediately.

(c) [(b)] A caregiver [You] must notify Child Care Regulation (CCR) [Licensing] immediately if the caregiver becomes [you become] aware that a household member, caregiver, or child in care contracts an illness deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases).

(d) [(c)] After a caregiver ensures [you ensure] the safety of a [the] child, the caregiver [you] must notify the parent of the child immediately if the child:

(1) is [Is] injured and [the injury] requires medical treatment by a health-care professional or hospitalization;

(2) shows [Shows] signs or symptoms of an illness that requires hospitalization;

(3) requires administration of a medication in a medical emergency as described in this chapter [Has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector]; or

(4) has been involved in any:

(A) non-routine situation that placed, or may have placed, the child at risk for injury or harm; or

(B) situation that renders the listed family home unsafe, such as a fire, flood, or damage to the home as a result of severe weather.

[(4) Was forgotten in a vehicle or wandered away from your home or care unsupervised.]

(e) [(d)] A caregiver [You] must provide written notification to [notify] the parent of a child in care of any minor [less serious] injuries when the parent arrives to pick up [picks] the child [up] from the home. Minor [Less serious] injuries are those which require a caregiver to provide only basic first-aid such as small [include, minor] cuts, scratches, bruises, or [and] bites from other children [requiring first aid treatment by caregivers].

(f) [(e)] A caregiver [You] must provide written notification to [notify] the parent of each child in care [attending the home in writing] within 48 hours after the date the caregiver becomes [you become] aware that a child in care, caregiver, or household member has contracted a communicable disease[, caregiver, or child in care contracts an illness] deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases).[; or]

(g) [(f)] A caregiver [You] must notify CCR [Licensing] in writing within 15 days after the date the caregiver [of]:

(1) relocates the caregiver's [~~Relocating your~~] listed family home; or

(2) closes [~~Closing~~] the home.

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 June 22, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3269

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SUBCHAPTER H. HEALTH AND SAFETY PRACTICES

26 TAC §742.806

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and §524.0005, and HRC §42.042(a).

§742.806. What are the requirements if my home chooses to maintain and administer unassigned epinephrine auto-injectors?.

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 June 22, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3269

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CHAPTER 743. MINIMUM STANDARDS FOR SHELTER CARE

SUBCHAPTER D. SAFETY PRACTICES

26 TAC §743.301

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of §743.301, concerning What are the requirements if my operation chooses to maintain and administer unassigned epinephrine auto-injectors.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill (HB) 163, 89th Legislature, Regular Session, 2025. HB 163 repealed the statutory provisions in Texas Health and Safety Code §773.0145(a) and (b), regarding possession and administration of unassigned epinephrine in a child-care facility as defined by Texas Human Resources Code (HRC) §42.002.

The proposed repeal in Chapter 743 removes a policy requirement related to unassigned epinephrine auto-injectors for children in temporary shelter care operations.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §743.301 removes the requirement for a temporary shelter care operation to have and implement a policy if the operation maintains and administers unassigned epinephrine auto-injectors because HB 163 removed child care facilities from the list of entities required to adopt such a policy.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will repeal existing regulations;

(7) the proposed rule will not change the number of individuals subject to the rules; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule will be removed.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public will benefit from rules that comply with state law.

Trey Wood 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 because the rule will be removed.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

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) emailed before midnight on the last day of the comment period. If the 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 26R013" in the subject line.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and HRC §42.042.

§743.301. What are the requirements if my operation chooses to maintain and administer unassigned epinephrine auto-injectors?

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 June 22, 2026.

TRD-202602558
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 438-3269

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CHAPTER 744. MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR AFTER-SCHOOL PROGRAMS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §744.307, concerning What emergency or medical situations must I notify parents about, and §744.701, concerning What written records must I keep of accidents and injuries that occur at my operation.

BACKGROUND AND PURPOSE

The purpose of the proposal is to amend two sections of Chapter 744 to align the rule language with similarly-amended rules for other operation types.

The proposed amendments in Chapter 744 remove parental notification and incident record requirements related to unassigned epinephrine auto-injectors for children in school-age and before or after-school programs.

The proposed amendments replace first-person pronouns with nouns for clarity and change the titles of the rules because HHSC Child Care Regulation (CCR) plans to stop using questions for rule titles.

The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §744.307, What emergency or medical situations must I notify parents about, changes the rule title to "Emergency and Medical Parental Notifications."

The proposed amendment in subsection (b)(3) replaces the requirement for a child care operation to notify a child's parent immediately if the child has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector with a requirement for a child care operation to notify a child's parent immediately if the child requires administration of a medication in a medical emergency as described in Chapter 744. This change is needed to ensure parental notification of any medication administered to a child in a medical emergency to prevent the death or serious bodily injury of the child, as allowed by §744.2653(d). The proposed amendment in subsection (b)(4)(A) removes examples of non-routine situations that place or may place children at risk to help lessen the concern that only the example situations place children at risk. The proposed amendment in subsection (e) clarifies that an operation must notify parents in writing within 48 hours of learning a child or employee has contracted lice or another communicable parasite and how to provide the written notice.

The proposed amendment to §744.701, What written records must I keep of accidents and incidents that occur at my operation, changes the rule title to "Accident and Incident Records." The proposed amendment, in paragraph (3), replaces the requirement for a child care operation to keep a written record of an incident where a child in care had an emergency anaphylaxis reaction that required use of an unassigned epinephrine auto-injector with a requirement for a child care operation to keep a written record of an incident that required administration of a medication to a child in a medical emergency as described in Chapter 744 for consistency with the proposed amendment to §744.307(b)(3). The proposed amendment in §744.307(b)(4)(A) removes examples of non-routine situations that place or may place children at risk to help lessen the concern that only the example situations place children at risk.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC 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 not create a new regulation;

(6) the proposed rules will expand existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

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 do not impose a cost on regulated persons and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rules are in effect, the public will benefit from rules that comply with state law.

Trey Wood 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 because the rules do not require a child care operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rules, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

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) emailed before midnight on the last day of the comment period. If the 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 26R013" in the subject line.

SUBCHAPTER B. ADMINISTRATION AND COMMUNICATION

DIVISION 2. REQUIRED NOTIFICATIONS

26 TAC §744.307

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§744.307. Emergency and Medical Parental Notifications. [~~What emergency or medical situations must I notify parents about?~~]

(a) If it is alleged or suspected [~~You must notify the parent of a child immediately if there is an allegation~~] that a [~~the~~] child has been abused, neglected, or exploited, as defined in Texas Family Code §261.001, while in the [~~your~~] care of an operation, the operation must notify the parent of the child immediately.

(b) After an operation ensures [~~you ensure~~] the safety of a [~~the~~] child, the operation [~~you~~] must notify the parent of the child immediately if [~~after~~] the child:

(1) is [~~Is~~] injured and [~~the injury~~] requires medical treatment by a health-care professional or hospitalization;

(2) shows [~~Shows~~] signs or symptoms of an illness that requires hospitalization;

(3) requires administration of a medication in a medical emergency as described in this chapter [~~Has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector~~]; or

(4) has [~~Has~~] been involved in any:

(A) non-routine situation that placed, or may have placed, the child at risk for injury or harm[~~. For example, a caregiver forgetting the child in an operation vehicle or on the playground or failing to prevent the child from wandering away from the operation unsupervised~~]; or

(B) [~~(5) Has been involved in any~~] situation that renders the operation unsafe, such as a fire, flood, or damage to the operation as a result of severe weather.

(c) An operation [~~You~~] must provide written notification to [~~notify~~] the parent of a child in care of any minor [~~less serious~~] injuries when the parent arrives to pick up [~~picks~~] the child [~~up~~] from the operation. Minor [~~Less serious~~] injuries are those that require a caregiver to provide only basic first-aid care such as small [~~include minor~~] cuts, scratches, bruises, or bites from other children [~~and contusions requiring first-aid treatment by employees~~].

(d) An operation [~~You~~] must provide written notification [~~notice~~] to the parent of each child in care [~~attending the operation~~] within 48 hours after the date the operation becomes [~~of becoming~~] aware that a child in [~~your~~] care or an employee has contracted a communicable disease deemed notifiable by the Texas Department of State Health Services, as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases).

(e) An operation [~~You~~] must provide written notification [~~notice~~] to the parent of each child in a group within 48 hours after the date the operation becomes aware that a child in the group has contracted [~~when there is an outbreak of~~] lice, scabies, ringworm, or another communicable parasite [~~or other infestation in the group~~]. An operation [~~You~~] must [~~either~~] post this notice in the operation where it is easy for the parents to see it [~~in a prominent and publicly accessible place where parents can easily view it~~] or send a [~~an individual~~] note to each parent individually.

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 June 22, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER C. RECORD KEEPING
DIVISION 2. RECORDS OF ACCIDENTS AND INCIDENTS

26 TAC §744.701

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§744.701. Accident and Incident Records. [~~What written records must I keep of accidents and incidents that occur at my operation?~~]

An operation [~~You~~] must keep written records of accidents and incidents that happen while a child is in care. An operation must use [~~record~~] the Child Care Regulation Incident or Illness Report form, [~~following information on the Licensing Incident/Illness Report Form 7239~~] or another form with [~~that contains at least~~] the same information, to record:

(1) an [~~An~~] injury to a child in care that required medical treatment by a health-care professional or hospitalization;

(2) an [~~An~~] illness that required the hospitalization of a child in care;

(3) an incident that required administration of a medication to the child in a medical emergency as described in this chapter [~~An incident where a child in care had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector~~];

(4) an [~~An~~] incident of a child in care or an employee contracting a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases); and

(5) any [~~Any other~~] non-routine situation that placed, or may have placed, a child at risk for injury or harm[~~, such as forgetting a child in an operation's vehicle or not preventing a child from wandering away from the operation unsupervised~~].

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

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3269

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CHAPTER 745. LICENSING
SUBCHAPTER D. APPLICATION PROCESS
DIVISION 11. EMPLOYER-BASED CHILD CARE

26 TAC §745.469

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of §745.469, concerning What are the requirements if my operation chooses to maintain and administer unassigned epinephrine auto-injectors.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill (HB) 163, 89th Legislature, Regular Session, 2025. HB 163 repealed the statutory provisions in Texas Health and Safety Code §773.0145(a) and (b), regarding possession and administration of unassigned epinephrine in a child-care facility as defined by Texas Human Resources Code (HRC) §42.002.

The proposed repeal in Chapter 745 removes a policy requirement related to unassigned epinephrine auto-injectors for children in employer-based child care operations.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §745.469 removes the requirement for employer-based child care operations to have and implement a policy if the operation maintains and administers unassigned epinephrine auto-injectors because HB 163 removed child-care facilities from the list of entities required to adopt such a policy.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will repeal existing regulations;

(7) the proposed rule will not change the number of individuals subject to the rules; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule will be removed.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule: does not impose a cost on regulated persons and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public benefit will be a rule that complies with state law.

Trey Wood 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 because the rule will be removed.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

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) emailed before midnight on the last day of the comment period. If the 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 26R013" in the subject line.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code (HRC) §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and HRC §42.042.

§745.469. What are the requirements if my operation chooses to maintain and administer unassigned epinephrine auto-injectors?

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

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3269

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CHAPTER 746. MINIMUM STANDARDS FOR CHILD CARE [~~CHILD-CARE~~] CENTERS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §746.307, concerning What emergency or medical situations must I notify parents about; §746.701, concerning What written records must I keep of accidents and injuries that occur at my child-care center; and §746.801, concerning What records must I keep at my child-care center.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement Senate Bill (SB) 1619, Section 27, and House Bill (HB) 163, from the 89th Legislature, Regular Session, 2025.

SB 1619, Section 27, amended Texas Human Resources Code (HRC) §42.067(a) by adding the term "epinephrine delivery system" to expand the allowable unassigned epinephrine devices to include epinephrine nasal spray in addition to an epinephrine auto-injector.

HB 163 repealed the statutory provisions in Texas Health and Safety Code §773.0145(a) and (b), regarding possession and administration of unassigned epinephrine in a child-care facility as defined by Texas Human Resources Code (HRC) §42.002.

The proposed amendments to §746.307 and §746.701 remove parental notification and incident report requirements related to unassigned epinephrine auto-injectors for children in child care centers.

The proposed amendment to §746.801 updates epinephrine terminology in a reporting requirement for a child care center that has an epinephrine policy.

The proposed amendments also change the title of each rule because HHSC Child Care Regulation (CCR) plans to stop using questions for rule titles. The proposed amendments remove references to other rules to avoid the need for HHSC to amend rules when referenced rules change. The proposal changes the spelling of "child-care" to "child care" in the title of Chapter 746, the title of Division 3 in Subchapter C, and in the rule text.

The proposed amendments replace first-person pronouns nouns for clarity. The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §746.307, What emergency or medical situations must I notify parents about, changes the rule title to "Emergency and Medical Parental Notifications;" The proposed amendment in subsection (b)(3) replaces the requirement for a child care center to notify a child's parent immediately if the child has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector with a requirement to notify a child's parent immediately if the child required emergency administration of a medication. This change is needed to ensure parental notification of any medication administered to a child in a medical emergency to prevent the death or serious bodily injury of the child, as allowed by §746.3803(d). The proposed amendment in subsection (b)(4) removes examples of non-routine situations that place or may place children at risk to help lessen the concern that only the example situations place children at risk.

The proposed amendment to §746.701, What written records must I keep of accidents and incidents that occur at my child-care center, changes the rule title to "Accident and Incident Records." The proposed amendment in paragraph (3) replaces the requirement for a child care operation to keep a written record of an incident where a child in care had an emergency anaphylaxis reaction that required use of an unassigned epinephrine auto-injector with a requirement for a child care center to keep a written record of an incident when a child in care required administration of an emergency medication for consistency with the proposed amendment to §746.307(b)(3). The proposed amendment in paragraph (5) removes examples of non-routine situations that place or may place children at risk to help lessen the concern that only the example situations place children at risk.

The proposed amendment to §746.801, What records must I keep at my child-care center, changes the rule title to "Operation Records Maintained at the Child Care Center." The proposed amendment in paragraph (4) changes the term "licensing" to "Child Care Regulation" or "CCR." The proposed amendment in paragraph (23) for a child care center that maintains and administers an unassigned epinephrine delivery system, updates the name of a Texas Department of State Health Services reporting form and explains that the form is used to report the administration of an unassigned epinephrine delivery system.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC 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 not create a new regulation;

(6) the proposed rules will expand existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

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 do not impose a cost on regulated persons and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rules are in effect, the public will benefit from rules that (1) expand the types of unassigned epinephrine delivery devices in child care centers to include epinephrine nasal spray; and (2) comply with state law.

Trey Wood 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 because the rules do not require a child care operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

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) emailed before midnight on the last day of the comment period. If the 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 26R013" in the subject line.

SUBCHAPTER B. ADMINISTRATION AND COMMUNICATION
DIVISION 2. REQUIRED NOTIFICATION

26 TAC §746.307

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§746.307. Emergency and Medical Parental Notifications. [~~What emergency or medical situations must I notify parents about?~~]

(a) If it is alleged or suspected [~~You must notify the parent of a child immediately if there is an allegation~~] that a [~~the~~] child has been abused, neglected, or exploited, as defined in Texas Family Code §261.001, while in the [~~your~~] care of a child care center, the center must notify the parent of the child immediately.

(b) After a child care center ensures [~~you ensure~~] the safety of a [~~the~~] child, the center [~~you~~] must notify the parent of the child immediately if [~~after~~] the child:

(1) is [~~Is~~] injured and [~~the injury~~] requires medical treatment by a health-care professional or hospitalization;

(2) shows [~~Shows~~] signs or symptoms of an illness that requires hospitalization;

(3) requires administration of a medication in a medical emergency as described in this chapter [~~Has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector~~]; or

(4) has [~~Has~~] been involved in any:

(A) non-routine situation that placed, or may have placed, the child at risk for injury or harm[~~. For example, a caregiver forgetting the child in a center vehicle or failing to prevent the child from wandering away from the child-care center unsupervised~~]; or

(B) [~~(5) Has been involved in any~~] situation that renders the child care [~~child-care~~] center unsafe, such as a fire, flood, or damage to the child care [~~child-care~~] center as a result of severe weather.

(c) A child care center [~~You~~] must provide written notification to [~~notify~~] the parent of a child in care of any minor [~~less serious~~] injuries when the parent arrives to pick up [~~picks~~] the child [~~up~~] from the child care [~~child-care~~] center. Minor [~~Less serious~~] injuries are those that require an employee to provide only basic first-aid care such as small [~~include minor~~] cuts, scratches, bruises, or [~~and~~] bites from other children [~~requiring first-aid treatment by employees~~].

(d) A child care center [~~You~~] must provide written notification [~~notice~~] to the parent of each child in care [~~attending the child-care center~~] within 48 hours after the date the child care center becomes [~~of becoming~~] aware that a child in [~~your~~] care or an employee has contracted a communicable disease deemed notifiable by the Texas Department of State Health Services, as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases).

(e) A child care center [~~You~~] must provide written notification [~~notice~~] to the parent of each child in a group within 48 hours after the date the child care center becomes aware that a child in the group has contracted [~~when there is an outbreak of~~] lice, scabies, ringworm, or another communicable parasite [~~or other infestation in the group~~]. A child care center [~~You~~] must [~~either~~] post this notice in the child care center where it is easy for the parents to see it [~~in a prominent and publicly accessible place where parents can easily view it~~] or send a [~~an individual~~] note to each parent individually.

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

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Karen Ray
Chief Counsel
Health and Human Services Commission
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SUBCHAPTER C. RECORD KEEPING
DIVISION 2. RECORDS OF ACCIDENTS AND INCIDENTS

26 TAC §746.701

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§746.701. Accident and Incident Records. [What written records must I keep of accidents and incidents that occur at my child-care center?]

A child care center [You] must keep written records of accidents and incidents that happen while a child is in care. A child care center must use [record] the Child Care Regulation Incident or Illness Report form, [following information on the Licensing Incident/Illness Form 7239] or another form with [that contains at least] the same information, to record:

(1) an [An] injury to a child in care that required medical treatment by a health-care professional or hospitalization;

(2) an [An] illness that required the hospitalization of a child in care;

(3) an incident that required administration of a medication to the child in a medical emergency as described in this chapter [An incident where a child in care had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector];

(4) an [An] incident of a child in care or an employee contracting a communicable disease deemed notifiable by the Texas Department of State Health Services, as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases); and

(5) any [Any other] non-routine situation that placed, or may have placed, a child at risk for injury or harm[, such as forgetting a child in a center vehicle or not preventing a child from wandering away from the child-care center unsupervised].

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

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DIVISION 3. RECORDS THAT MUST BE KEPT ON FILE AT THE CHILD CARE CENTER

26 TAC §746.801

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§746.801. Operation Records Maintained at the Child Care Center. [What records must I keep at my child-care center?]

(a) A child care center [You] must keep [maintain and make] the following records available for [our] review by Child Care Regulation (CCR) [upon request,] during hours of operation:[. Paragraphs (14), (15), and (16) of this section are optional, but if provided will allow Licensing to avoid duplicating the evaluation of standards that have been evaluated by another state agency within the past year:]

(1) children's [Children's] records, as specified in [Division 1 of] this subchapter [(relating to Records of Children)];

(2) infant [Infant] feeding instructions, as required in [§746.2421 of] this chapter [(relating to What written feeding instructions must I obtain for an infant not ready for table food?)], if applicable;

(3) personnel [Personnel] and training records as required in [according to Division 4 of] this subchapter [(relating to Personnel Records)];

(4) Child Care [Licensing Child-Care] Center Director's Certificate issued by CCR;

(5) attendance [Attendance] records or time sheets that show [listing] all days and hours worked for each employee;

(6) proof [Proof] of current liability insurance coverage or [, if applicable, that you have provided] written notice to [the parent of] each child's parent if the child care center does [child that you do] not carry liability [the] insurance;

(7) medication [Medication] records, if applicable;

(8) playground [Playground] maintenance checklists;

(9) pet [Pet] vaccination records, if applicable;

(10) safety [Safety] documentation for emergency drills, fire extinguishers, and smoke detectors;

(11) most [Most] recent fire inspection report, including [any] written approval from the fire marshal, if care is provided [to provide care] above or below ground level[, if applicable];

(12) most [Most] recent sanitation inspection report;

(13) most [Most] recent gas inspection report, if applicable;

[(14) Most recent Texas Department of State Health Services immunization compliance review form, if applicable;]

[(15) Most recent Texas Department of Agriculture Child and Adult Care Food Program report, if applicable;]

[(16) Most recent local workforce board Child-Care Services Contractor inspection report, if applicable;]

(14) [(17)] record [Record] of pest extermination, if applicable;

(15) [(18)] most [Most] recent HHSC Children's Products Certification [Licensing] form certifying that the child care center has [you have] reviewed each of the bulletins and notices issued by the United States Consumer Product Safety Commission regarding unsafe

children's products and that there are no unsafe children's products in use or accessible to children in the child care [child-care] center;

(16) [(19)] a [A] daily tracking system for when a child's care begins and ends, as specified in [§746.631 of] this subchapter [(relating to Must I have a system for signing children in and out of my care?)];

(17) [(20)] documentation [Documentation] for all full-size and non-full-size cribs, as specified in [§746.2409(a)(9) of] this chapter [(relating to What specific safety requirements must my cribs meet?)];

(18) [(21)] documentation [Documentation] for vehicles used to transport children, as specified in [§746.5627 of] this chapter [(relating to What documentation must I keep at the child-care center for each vehicle used to transport children in care?)], if applicable;

(19) [(22)] proof [Proof] that the child care center has [you have] notified parents in writing of deficiencies related to [in] safe sleeping or [and] abuse, neglect, or exploitation, as specified in [§746.309 of] this chapter [(relating to What are the notification requirements when Licensing finds my center deficient in a standard related to safe sleeping or the abuse, neglect, or exploitation of a child?) and §746.311 of this chapter (relating to How must I notify parents of a safe sleeping deficiency or an abuse, neglect, or exploitation deficiency?)]; and

(20) [(23)] if the child care center maintains and administers an unassigned epinephrine delivery system, a [A] copy of each completed Texas Department of State Health Services (DSHS) Certain Entity- Required Reporting of Unassigned Administered Epinephrine to DSHS form [Epinephrine Auto-Injectors Reporting Form] used to document [report] the administration of an unassigned epinephrine delivery system to a child in care [auto-injector, if your operation administers and maintains unassigned epinephrine auto-injectors.]

(b) A child care center may keep the following records available for review by CCR during hours of operation to avoid repeating the evaluation of standards already reviewed by another state agency within the past year:

(1) most recent Texas Department of State Health Services immunization compliance review form, if applicable;

(2) most recent Texas Department of Agriculture Child and Adult Care Food Program report, if applicable; and

(3) most recent local workforce board Child Care Services Contractor inspection report, if applicable.

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

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CHAPTER 747. MINIMUM STANDARDS FOR CHILD CARE [CHILD-CARE] HOMES

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §747.305, concerning What emergency and medical situations must I notify parents about, §747.501, concerning What written operational policies must I have, and §747.701, concerning What written records must I keep of accidents and injuries that occur at my child-care home.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill (HB) 163, 89th Legislature, Regular Session, 2025. HB 163 repealed the statutory provisions in Texas Health and Safety Code §773.0145(a) and (b), regarding possession and administration of unassigned epinephrine in a child-care facility as defined by Texas Human Resources Code (HRC) §42.002.

The proposed amendments in Chapter 747 remove parental notification and incident reporting requirements related to unassigned epinephrine auto-injectors for children in licensed and registered child care homes.

The proposed amendments change the title of each rule because HHSC Child Care Regulation (CCR) plans to stop using questions for rule titles. The proposed amendments remove references to other rules to avoid the need for HHSC to amend rules when referenced rules change. The proposal changes the spelling of "child-care" to "child care" in the title of Chapter 747 and makes the same changes where needed in the rule text.

The proposed amendments replace first-person pronouns with nouns for clarity. The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §747.305, What emergency and medical situations must I notify parents about, changes the rule title to "Emergency and Medical Parental Notifications." The proposed amendment in subsection (b)(3) replaces the requirement for a child care home to notify a child's parent immediately if the child has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector with a requirement for a child care home to notify a child's parent immediately if the child required emergency administration of a medication. This change is needed to ensure parental notification of any medication administered to a child in a medical emergency to prevent the death or serious bodily injury of the child, as allowed by §747.3603(d). The proposed amendment in paragraph (4) removes examples of non-routine situations that place or may place children at risk to help lessen the concern that only the example situations place children at risk. The proposed amendment in subsection (e) clarifies that a child care home must notify parents in writing within 48 hours of learning a child or employee has contracted lice or another communicable parasite and how to provide the written notice.

The proposed amendment to §747.501, What written operational policies must I have, changes the rule title to "Operational Policies and Procedures Requirements." The proposed amendment removes the requirement in paragraph (14) for a child care home to have and implement a policy if the home maintains, administers, and disposes of unassigned epinephrine auto-injectors because the statutory changes enacted by HB 163 removed child care facilities from the list of entities required to adopt such a policy. The proposed amendment revises the list of policies and

procedures a child care home must have for better organization and readability.

The proposed amendment to §747.701, What written records must I keep of accidents and injuries that occur at my child-care home, changes the rule title to "Accident and Incident Records." The proposed amendment replaces the requirement for a child care home to keep a written record of an incident where a child in care had an emergency anaphylaxis reaction that required use of an unassigned epinephrine auto-injector with a requirement for a child care home to keep a written record of an incident where a child in care required administration of an emergency medication for consistency with the proposed amendment to §747.305(b)(3). The proposed amendment in paragraph (5) removes examples removes examples of non-routine situations that place or may place children at risk to help lessen the concern that only the example situations place children at risk.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC 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 not create a new regulation;

(6) the proposed rules will expand and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

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 do not impose a cost on regulated persons and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rules are in effect, the public will benefit from rules that comply with state law.

Trey Wood 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 because the rules do not require a licensed and registered child care home to purchase equipment, supplies, or hire additional personnel to comply with the rule.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rules, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

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) emailed before midnight on the last day of the comment period. If the 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 26R013" in the subject line.

SUBCHAPTER B. ADMINISTRATION AND COMMUNICATION

DIVISION 2. REQUIRED NOTIFICATIONS

26 TAC §747.305

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§747.305. Emergency and Medical Parental Notifications. [~~What emergency and medical situations must I notify parents about?~~]

(a) If it is alleged or suspected [~~You must notify the parent of a child immediately if there is an allegation~~] that a [~~the~~] child has been abused, neglected, or exploited, as defined in Texas Family Code §261.001, while in the [~~your~~] care of a child care home, the home must notify the parent of the child immediately.

(b) After a child care home ensures [~~you ensure~~] the safety of a [~~the~~] child, the child care home [~~you~~] must notify the parent of the child immediately if [~~after~~] the child:

(1) is [~~Is~~] injured and [~~the injury~~] requires medical treatment by a health-care professional or hospitalization;

(2) shows [~~Shows~~] signs or symptoms of an illness that requires hospitalization;

(3) requires administration of a medication in a medical emergency as described in this chapter [~~Has had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector~~]; or

(4) has [~~Has~~] been involved in any:

(A) non-routine situation that placed, or may have placed, the child at risk for injury or harm[~~. For example, forgetting the child in a vehicle or failing to prevent the child from wandering away from your child-care home unsupervised~~]; or

(B) [~~(5) Has been involved in any~~] situation that renders the child care [~~child-care~~] home unsafe, such as a fire, flood, or damage to the child care [~~child-care~~] home as a result of severe weather.

(c) A child care home [~~You~~] must provide written notification to [~~notify~~] the parent of a child in care of any minor [~~less serious~~] injuries when the parent arrives to pick up [~~picks~~] the child [~~up~~] from the child care [~~your child-care~~] home. Minor [~~Less serious~~] injuries are those which require an employee to provide only basic first-aid care such as small [~~include minor~~] cuts, scratches, bruises, or [~~and~~] bites from other children [~~requiring first-aid treatment by caregivers~~].

(d) A child care home [~~You~~] must provide written notification [~~notice~~] to the parent of each child in care [~~attending the child-care home~~] within 48 hours after the date the child care home becomes aware that a [~~when any~~] child in [~~your~~] care, a caregiver, or a household member has contracted a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Disease).

(e) A child care home [~~You~~] must provide written notification [~~notice~~] to the parent of each child in care [~~attending the child-care home~~] within 48 hours after the date the child care home becomes aware that a child in care has contracted [~~when there is an outbreak of~~] lice, scabies, ringworm, or another communicable parasite [~~or other infestation in the child-care home~~]. A child care home must post this notice in the child care home where it is easy for the parents to see it or send a note to each parent individually.

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

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DIVISION 4. OPERATIONAL POLICIES

26 TAC §747.501

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§747.501. Operational Policies and Procedures Requirements. [~~What written operational policies must I have?~~]

You must develop written operational policies and procedures that at a minimum address each of the following:

(1) [~~Procedure for~~] the release of children;

(2) conducting health checks, if applicable [~~Illness and exclusion criteria~~];

(3) [~~Procedures for~~] dispensing medication, or a statement that medication is not dispensed;

(4) [~~Procedures for~~] handling medical emergencies;

(5) discipline [~~Discipline~~] and guidance consistent with the requirements in this chapter [~~policy that is consistent with Subchapter L of this title (relating to Discipline and Guidance). A copy of Subchapter L may be used for your discipline and guidance policy~~];

(6) safe [~~Safe~~] sleep [~~policy~~] for infants from birth through 12 months old that is consistent with the rules in [~~Subchapter H of~~] this chapter about sleep requirements and restrictions [~~(relating to Basic Requirements for Infants) that relate to sleep requirements and restrictions, including sleep positioning, and crib requirements and restrictions, including mattresses, bedding, blankets, toys, and restrictive devices~~];

(7) animals [~~Animals~~], if applicable;

(8) promotion [~~Promotion~~] of indoor and outdoor physical activity that is consistent with the rules in [~~Subchapter F of~~] this chapter and includes [~~(relating to Developmental Activities and Activity Plan). Your policies must include~~]:

(A) the [~~The~~] duration of physical activity at the [~~your~~] home, both indoor and outdoor;

(B) the [~~The~~] recommended clothing and footwear that will allow a child to participate freely and safely in physical activities; and

(C) a [~~A~~] plan to ensure physical activity occurs on days when extreme weather conditions prohibit or limit outdoor time; [~~.~~]

(9) parent [~~Parent~~] rights that are consistent with the rules in [~~Division 5 of~~] this subchapter [~~(relating to Parent Rights)~~];

(10) instructions [~~Instructions~~] on how a parent may access the:

(A) minimum [~~Minimum~~] standards in this chapter online;

(B) Texas Abuse, [~~and~~] Neglect, and Exploitation Hotline; and

(C) HHSC website;[~~.~~]

(11) [~~Your~~] emergency preparedness plan; and

[(12) Procedures for conducting health checks, if applicable;]

(12) [(13)] information [Information] on vaccine-preventable diseases for employees that addresses the requirements in this chapter, if the [your] licensed child care [child-care] home is not located in the primary caregiver's [your own] residence. [The policy must address the requirements outlined in §747.3411 of this chapter (relating to What must a policy for protecting children from vaccine-preventable diseases include?); and]

[(14) If your home maintains and administers unassigned epinephrine auto-injectors to use when a child in care has an emergency anaphylaxis reaction, policies for maintenance, administration, and disposal of unassigned epinephrine auto-injectors that comply with the unassigned epinephrine auto-injector requirements set by the Texas Department of State Health Services, as specified in Texas Administrative Code, Title 25, Chapter 40, Subchapter C (relating to Epinephrine Auto-Injector Policies in Youth Facilities) and in Texas Health and Safety Code §773.0145.]

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

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SUBCHAPTER C. RECORD KEEPING
DIVISION 2. RECORDS OF ACCIDENTS AND INCIDENTS

26 TAC §747.701

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §42.042.

§747.701. Accident and Incident Records. [What written records must I keep of accidents and injuries that occur at my child-care home?]

You must record the following information on the Licensing Incident/Illness Report Form 7239 or another form that contains at least the same information:

(1) an [An] injury to a child in care that required medical treatment by a health-care professional or hospitalization;

(2) an [An] illness that required the hospitalization of a child in care;

(3) an incident that required administration of a medication to the child in a medical emergency as described in this chapter [An incident where a child in care had an emergency anaphylaxis reaction that required administration of an unassigned epinephrine auto-injector];

(4) an [An] incident of a child in care, [or] caregiver, or household member contracting a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases); and

(5) any [Any other] non-routine situation that placed, or may have placed, a child at risk for injury or harm[, such as forgetting a child in a vehicle or not preventing a child from wandering away from the child-care home].

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

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CHAPTER 748. MINIMUM STANDARDS FOR GENERAL RESIDENTIAL OPERATIONS
SUBCHAPTER L. MEDICATION
DIVISION 8. UNASSIGNED EPINEPHRINE AUTO-INJECTORS

26 TAC §748.2271

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of §748.2271, concerning What are the requirements if my operation chooses to maintain and administer unassigned epinephrine auto-injectors.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill (HB) 163, 89th Legislature, Regular Session, 2025. HB 163 repealed the statutory provisions in Texas Health and Safety Code §773.0145(a) and (b), regarding possession and administration of unassigned epinephrine in a child-care facility as defined by Texas Human Resources Code (HRC) §42.002.

The proposed repeal in Chapter 748 removes a policy requirement related to unassigned epinephrine auto-injectors for children in general residential operations (GROs).

SECTION-BY-SECTION SUMMARY

The proposed repeal of §748.2271 removes the requirement for a GRO to have and implement a policy if the GRO maintains and administers unassigned epinephrine auto-injectors because HB 163 removed child-care facilities from the list of entities required to adopt such a policy.

The proposed repeal of Division 8, Unassigned Epinephrine Auto-Injectors, in Subchapter L, is necessary because §748.2271 is the only rule in the division.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will repeal existing regulations;

(7) the proposed rule will not change the number of individuals subject to the rule; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule will be removed.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public will benefit from rules that comply with state law.

Trey Wood 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 because the rule will be removed.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's 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

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

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) emailed before midnight on the last day of the comment period. If the 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 26R013" in the subject line.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and HRC §42.042.

§748.2271. What are the requirements if my operation chooses to maintain and administer unassigned epinephrine auto-injectors?

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 June 22, 2026.

TRD-202602569
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 438-3269

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 55. LAW ENFORCEMENT

SUBCHAPTER D. OPERATION GAME THIEF FUND

31 TAC §§55.112, 55.114, 55.116

The Operation Game Thief Committee proposes amendments to 31 TAC §§55.112, 55.114, and 55.116, concerning Operation Game Thief Fund.

Operation Game Thief (OGT) is a privately funded program that operates under the purview of the Texas Parks and Wildlife Department and is administered by the OGT Committee under the provisions of Parks and Wildlife Code, Chapter 12, Subchapter C. It is a type of crime-stopper program designed to encourage the public to assist the Texas Parks and Wildlife Department in the enforcement of conservation laws by offering cash rewards to persons who report unlawful conduct. Created in 1981 by the 67th Texas Legislature, the program offers rewards of up to $1,000 for information leading to the arrest and conviction of persons who commit crimes involving wildlife resources. The program also provides supplemental benefits to the families of department peace officers killed in the line of duty.

The proposed amendments would, collectively, clearly distinguish and separate the roles and duties of department personnel from those of the members and officers of the OGT committee and are intended to allow day-to-day operations to be conducted by the OGT committee with effective oversight by the department.

The proposed amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rules as proposed, as the proposed amendments are nonsubstantive. The increased death benefit value would be withdrawn from private, voluntary donations to the OGT fund, not appropriated public monies.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be a clear distinction between the functions of the agency and the functions of the Operation Game Thief Committee, as well as execution of the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

There will be no adverse economic impacts to persons required to comply with the rules as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. The guidelines state that an agency need only consider a proposed rule's "direct adverse economic effects" to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the rules as proposed will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, the department has not prepared the economic impact statement or regulatory f,exibility analysis described in Government Code, Chapter 2006.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will not create a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation, or expand or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Assistant Commander Kevin Winters, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (832) 523-8847; email: kevin.winters@tpwd.texas.gov

The amendments are proposed under Parks and Wildlife Code, §12.201, which authorizes the Operation Game Thief Committee to adopt rules for the implementation of the Operation Game Thief program and maintenance of the Operation Game Thief fund.

The proposed amendments affect Parks and Wildlife Code, Chapter 12, Subchapter C.

§55.112. Donations and Disbursements.

(a) The committee [~~director~~] shall develop procedures for the acceptance, conversion, and deposit of all donations offered by individuals, clubs, or other organizations.

(b) Conversion of donations of real or personal property into United States currency shall be accomplished by the committee [~~director~~].

(c) Donations received by the committee shall be deposited [~~by the director~~] in interest-bearing accounts (operation game thief fund) insured by the Federal Deposit Insurance Corporation or invested in United States Treasury bills and bonds or certificates of deposit at the best available yields.

(d) The coordinator [~~chairman~~] shall be notified in writing of any disbursement in excess of $1000 [~~$500~~]. A disbursement under this subsection may include but is not limited to promotional costs to enhance the fund. All donations may be used for these purposes unless otherwise specifically prohibited by the donor. All disbursements from accounts will be made with prior written authorization from the chairman [~~by check signed by the director~~]. The committee shall submit a quarterly report to the director, reviewed and signed by the chairman and one other committee member, [~~will be furnished an annual report~~] detailing all expenditures from the fund.

§55.114. Rewards: Payments.

(a) The amount of reward granted to eligible applicants may not exceed $1,000 and shall be determined on an individual basis by the coordinator, with the approval of the director of law enforcement

or their designee, according to a multiple-factor formula approved by the Committee.

(b) In the event two or more eligible applicants furnish information pertaining to a specific violation, the reward may be divided among the eligible applicants in an amount determined by the coordinator, with the approval of the director of law enforcement or their designee.

(c) At each meeting, the committee shall review all disbursements of rewards authorized [~~made~~] by the coordinator since the last committee meeting and may increase the amount of any reward paid or approve additional rewards.

§55.116. Death Benefits: Payment.

(a) The amount of a death benefit payment granted to an eligible recipient shall be $50,000 or an amount determined by the committee [~~$25,000~~] and payment processing will be initiated by the coordinator, with the approval of the director of law enforcement [~~the Law Enforcement Division~~] and the chairman, to occur within 15 working days after the death occurs.

(b) At each meeting, the committee shall review all disbursements of death benefits authorized [~~made~~] by the coordinator since the last committee meeting and may increase the amount of any death benefit or approve additional death benefits.

(c) This section applies to any death occurring on or after October 1, 2008.

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 June 29, 2026.

TRD-202602675
James Murphy
General Counsel
Texas Parks and Wildlife Department
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 389-4775

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 853. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 853, relating to Independent Living Services for Older Individuals Who Are Blind:

Subchapter A. Independent Living Services for Older Individuals Who Are Blind, §853.2 and §853.4

Subchapter B. Services, §853.10 and §853.11

Subchapter C. Customer Financial Participation, §853.20 and §853.21

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 853 rule change is to ensure alignment with the recently updated Older Individuals Who Are Blind (OIB) Policy Manual (OIB policy manual), as well as applicable state and federal regulations. Following a comprehensive review, discrepancies were identified between the current Chapter 853 and updated program policy. The proposed rule amendments address those inconsistencies and incorporate minor revisions to improve clarity, consistency, and overall readability. The updates support accurate implementation of the OIB program, reinforce compliance with governing authority under 34 Code of Federal Regulations, Part 367, and align rules with the requirements outlined in the OIB policy manual.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. Independent Living Services for Older Individuals Who Are Blind

TWC proposes amendments to Subchapter A, as follows:

§853.2. Referral

Section 853.2 is amended to clarify the definition and scope of minimal services by specifying examples of services included and incorporating independent living skills training that can be effectively delivered with no more than one or two face-to-face visits by OIB program staff to an individual receiving services. The revision ensures consistency with current program practices and provides clear guidance to staff for appropriate service delivery.

§853.4. Application

Section 853.4 is amended to replace electronic "PIN" with electronic "signature" to align the rule with the OIB program's practices.

SUBCHAPTER B. Services

TWC proposes amendments to Subchapter B, as follows:

§853.10. Independent Living Plan

Section 853.10 is amended to remove the reference to form 5154, which has been retired, and updates the section to reflect the current process. The revision ensures accuracy, eliminates outdated information, and provides clear guidance aligned with current program procedures.

§853.11. Scope of Services

Section 853.11 is amended to clarify that training in using technology and independent living skills may be provided to OIB customers.

SUBCHAPTER C. Customer Financial Participation

TWC proposes amendments to Subchapter C, as follows:

§853.20. Individuals Who Receive Social Security Income or Social Security Disability Insurance

Section 853.20 is amended to clarify that customers receiving certain types of Social Security benefits are exempt from cost participation for OIB services. The revision ensures consistency with program policy and provides clear guidance regarding eligibility for services at no cost.

§853.21. Customer Participation in the Cost of Services

Section 853.21 is amended to remove subsection (c) due to an inaccurate reference to §853.11 regarding cost participation. Current §853.21(c) does not clearly specify which services are exempt from customer participation. Removing this subsection eliminates potential confusion and ensures the rule accurately reflects program policy.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the proposed rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the proposed rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the proposed rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the proposed rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the proposed rules.

There are no anticipated economic costs to individuals required to comply with the proposed rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the proposed rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking, as discussed elsewhere in this preamble, is to align with the requirements outlined in the OIB policy manual.

The proposed rulemaking will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the proposed rules will be in effect, they:

--will not create or eliminate a government program;

--will not require the creation or elimination of employee positions;

--will not require an increase or decrease in future legislative appropriations to TWC;

--will not require an increase or decrease in fees paid to TWC;

--will not create a new regulation;

--will not expand, limit, or eliminate an existing regulation;

--will not change the number of individuals subject to the rules; and

--will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the proposed rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the proposed rules.

Tammy Ames, Director, Vocational Rehabilitation Division, has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to ensure alignment with OIB policy and ensures clear OIB program rules.

PART IV. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rules or any other interested person, information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than August 10, 2026.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than August 10, 2026.

SUBCHAPTER A. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

40 TAC §853.2, §853.4

PART VI. STATUTORY AUTHORITY

The rules are proposed under:

--Texas Labor Code, §352.103(a), which provides TWC with the authority to establish rules for providing vocational rehabilitation services; and

--Texas Labor Code, §301.0015(a)(6), which provides TWC with the authority to adopt, amend, or repeal such rules as it deems

necessary for the effective administration of TWC services and activities.

The proposed rules relate to Title 4, Texas Labor Code, particularly Chapter 352.

§853.2. Referral.

(a) An individual may be referred for OIB services in a variety of ways, including, but not limited to:

(1) a physician's office;

(2) a community organization;

(3) the Center for Independent Living (CIL);

(4) a senior community organization;

(5) family members, customer representatives [~~representative~~], or [~~and~~] friends;

(6) contract providers; or

(7) an online self-referral portal.

(b) A referral shall include the name of the individual seeking services, the address where the individual resides, and an email address and telephone number, if available.

(c) During the referral process, OIB staff may determine the level of services needed by the customer, provide minimal services, or verify the customer's eligibility criteria. Minimal services [~~may~~] include, but are not limited to [~~information and referral~~], a guide to independent living, bump dots for kitchen appliances, [~~and~~] low-cost magnifiers, and independent living skills training that does not require more than two visits. If minimal services are all that a customer requires, the case may be closed as a minimal services successful closure.

(d) For service delivery to begin, an individual shall submit a complete application and OIB staff shall document that all eligibility requirements are met.

§853.4. Application.

An individual is considered to have completed the application process when:

(1) the individual or the individual's representative has completed and signed the OIB application form and an OIB staff member has entered the electronic signature [~~PIN~~] into the case management system;

(2) the individual or the individual's representative has provided the information necessary to initiate an assessment to determine eligibility and service delivery; and

(3) the individual or the individual's representative is available to complete the assessment process to determine eligibility.

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 June 23, 2026.

TRD-202602579
Les Trobman
General Counsel
Texas Workforce Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (737) 301-9662

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SUBCHAPTER B. SERVICES

40 TAC §853.10, §853.11

The rules are proposed under:

--Texas Labor Code, §352.103(a), which provides TWC with the authority to establish rules for providing vocational rehabilitation services; and

--Texas Labor Code, §301.0015(a)(6), which provides TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules relate to Title 4, Texas Labor Code, particularly Chapter 352.

§853.10. Independent Living Plan.

(a) Once an individual is determined eligible, OIB staff must develop the ILP [~~is developed~~] within 90 days of the eligibility date. If the ILP cannot be completed within 90 days, then OIB staff must document the reason for the delay in a case note.

(b) OIB staff must jointly develop the ILP and all subsequent amendments in writing, through consultation with the customer or the customer's representative, as appropriate.

(c) A customer may waive receipt of the written plan by signing the signature form for OIB program applicants [~~Agency Waiver of Independent Living Plan (VR 5154)~~].

(d) Through consultation, OIB staff and the customer, or the customer's representative, as appropriate, determine how services shall be delivered and OIB staff must document and maintain service delivery methods in the electronic record of the ILP[~~, which OIB staff must maintain~~].

(e) OIB staff [~~The Agency~~] shall ensure that the customer or the customer's representative, as appropriate, is advised of procedures and requirements affecting the development and review of the ILP.

(f) To receive a copy of the ILP and its amendments in a medium other than print, the customer must inform OIB staff of the preferred medium.

(g) OIB staff shall review the ILP at least annually with the customer or the customer's representative, as appropriate, to assess the customer's progress in meeting the objectives identified in the ILP.

(h) OIB staff shall incorporate any revisions to the ILP that are necessary to reflect changes in the customer's goals, intermediate objectives, or needs.

(i) The customer must inform OIB staff [~~the Agency~~] in a timely manner of changes that will affect the provision of services, including, but not limited to, the customer's unavailability to receive services.

§853.11. Scope of Services.

(a) All services provided under this section shall be subject to budget constraints of the program.

(b) OIB staff shall provide each service in accordance with a customer's ILP.

(c) OIB staff may directly provide the following services under this chapter:

(1) Information and referral services;

(2) Independent living skills training;

(3) Peer counseling (including cross-disability peer counseling);

(4) Individual and systems advocacy;

(5) Orientation and mobility training;

(6) Diabetes education;

(7) Braille training; and

(8) Transition services.

(d) OIB staff may purchase goods or services with an approved provider as identified and agreed upon with the customer in the ILP, including:

(1) counseling services, to include psychological and psychotherapeutic services;

(2) orientation and mobility training;

(3) diabetes awareness training;

(4) rehabilitation technology (for example, a video magnifier) and training to use technology; [~~and~~]

(5) related visual aid tools, such as magnifiers and low vision eyeglasses; and[~~.~~]

(6) independent living skills training.

(e) OIB staff may refer customers to other services to meet their needs. Such other services may include, but are not limited to:

(1) CIL services;

(2) housing services, including supportive living;

(3) accessible transportation services;

(4) medical services;

(5) personal assistance services, including attendant care and the training of individuals to provide such services;

(6) education and training necessary for living in a community and participating in community activities; and

(7) social and recreational services.

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 June 23, 2026.

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Les Trobman
General Counsel
Texas Workforce Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (737) 301-9662

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SUBCHAPTER C. CUSTOMER FINANCIAL PARTICIPATION

40 TAC §853.20, §853.21

The rules are proposed under:

--Texas Labor Code, §352.103(a), which provides TWC with the authority to establish rules for providing vocational rehabilitation services; and

--Texas Labor Code, §301.0015(a)(6), which provides TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules relate to Title 4, Texas Labor Code, particularly Chapter 352.

§853.20. Individuals Who Receive Social Security Income or Social Security Disability Insurance.

(a) Customers who have been determined eligible for Social Security benefits under Titles II and XVI of the Social Security Act, relating to Supplemental Security Income and Social Security Disability Insurance, shall not be charged any cost to receive OIB services under the OIB program. This includes customers who are receiving Title II benefits related to Social Security retirement who meet the requirements to obtain old-age and survivors insurance benefit payments (for more information, please refer to SSA.gov). [~~Customers who are recipients of either Social Security Income (SSI) or Social Security Disability Insurance (SSDI) are not required to participate in the cost of services.~~]

(b) OIB staff shall ensure that each customer or the customer's representative, as appropriate, is informed of the services that require customer participation in the cost of services and the services that do not require customer participation.

§853.21. Customer Participation in the Cost of Services.

(a) Some independent living services, as set forth in §853.11 of [~~or~~] this chapter [~~(relating to Scope of Services)~~], may be subject to customer participation in cost of service as defined in OIB policy.

(b) OIB staff shall administer the customer participation system in accordance with [~~the rules in~~] this chapter, the OIB policy manual, and 34 CFR §367.67(b)(1).

[~~(c) OIB staff shall provide those independent living services not requiring customer participation in cost of services as set forth in §853.11 of this chapter at no cost to the customer.~~]

(c) [~~(d)~~] OIB staff shall determine the customer's adjusted gross income and the percentage of the Federal Poverty Guidelines at https://aspe.hhs.gov/poverty-guidelines for that income, based on documentation provided by the customer.

(d) [~~(e)~~] OIB staff is required to apply the Federal Poverty Guidelines at https://aspe.hhs.gov/poverty-guidelines to determine customer participation.

(e) [~~(f)~~] The customer or customer's representative shall sign an ILP acknowledging the customer's contribution for services and providing written agreement that:

(1) the information provided by the customer or the customer's representative about the customer's household size, annual gross income, allowable deductions, and comparable services or benefits is true and accurate; or

(2) the customer or the customer's representative chooses not to provide information about the customer's household size, annual gross income, allowable deductions, and comparable services or benefits.

(f) [~~(g)~~] If the customer or the customer's representative, as appropriate, chooses not to provide information on the customer's household size, annual gross income, allowable deductions, and comparable services or benefits, the customer shall pay the entire cost of applicable services.

(g) [~~(h)~~] The customer shall report to OIB staff as soon as possible all changes to household size, annual gross income, allowable

deductions, and comparable services or benefits and sign an amended ILP.

(h) [~~(i)~~] When the customer amends the ILP, the new customer's contribution for services takes effect the beginning of the following month. The new contribution shall not be applied retroactively.

(i) [~~(j)~~] OIB staff shall develop a process to reconsider and adjust the customer's contribution for services based on circumstances that are both extraordinary and documented. This may include assessing the customer's ability to pay the customer's participation amount. Extraordinary circumstances include:

(1) an increase or decrease in income;

(2) unexpected medical expenses;

(3) unanticipated disability-related expenses;

(4) a change in family size;

(5) catastrophic loss, such as fire, flood, or tornado;

(6) short-term financial hardship, such as a major repair to the customer's home or personally owned vehicle; or

(7) other extenuating circumstances for which the customer makes a request and provides supporting documentation.

(j) [~~(k)~~] The customer's contribution for services remains in effect during the reconsideration and adjustment process.

(k) [~~(l)~~] OIB staff shall:

(1) use program income that is received from the customer only to provide services outlined in §853.11 of this chapter; and

(2) report fees collected as program income.

(l) [~~(m)~~] The Agency may not use program income received from the customer to supplant any other fund sources.

(m) [~~(n)~~] The Agency may not pay any portion of the customer's contribution.

(n) [~~(o)~~] The customer's ILP and all financial information collected by OIB staff are subject to subpoena.

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 June 23, 2026.

TRD-202602581
Les Trobman
General Counsel
Texas Workforce Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (737) 301-9662

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CHAPTER 858. PROCUREMENT AND CONTRACT MANAGEMENT REQUIREMENTS FOR PURCHASE OF GOODS AND SERVICES FOR VOCATIONAL REHABILITATION SERVICES

The Texas Workforce Commission (TWC) proposes the following new sections to Chapter 858, relating to Procurement and Contract Management Requirements for Purchase of Goods and Services for Vocational Rehabilitation Services:

§858.10 and §858.11

TWC proposes amendments to the following sections of Chapter 858, relating to Procurement and Contract Management Requirements for Purchase of Goods and Services for Vocational Rehabilitation Services:

§§858.1, 858.3, 858.7 - 858.9, 858.15, and 858.16

TWC proposes the repeal of the following sections of Chapter 858, relating to Procurement and Contract Management Requirements for Purchase of Goods and Services for Vocational Rehabilitation Services:

§§858.10 - 858.14

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 858 rule change is to update rule language to improve understanding and consistency with current TWC Vocational Rehabilitation (VR) Division and contract management practices, and to establish guidelines for a fair and consistent recoupment system for VR and contractors. Substantial changes include the addition of definitions; expansion of the Adverse Actions rules under §858.9, and the repeal of §§858.10 - 858.14, and adding new §858.10 (Suspension of Contractors) and §858.11 (Debarment of Contractors) to consolidate information on suspension and debarment.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

§858.1. Definitions

Section 858.1 is amended to add new definitions and update existing ones for clarity. A definition for "Improper payment" is added to provide a comprehensive list of conditions that result in payments a contractor is not entitled to receive. New definitions for "Fraud," "Overpayment," and "Service authorization" were also added.

§858.3. General Requirements for Contracting

Section 858.3 is amended to add new subparagraph (a)(1)(E) requiring a contractor to ensure that no staff members are excluded by TWC, the state, or federal government from participating in contracts or providing services. New subparagraph (a)(1)(F) requires contractors to complete and maintain criminal background checks on all applicable staff. New subsection (j) requires contractors to coordinate with VR staff to ensure all communications with a customer are in the customer's preferred or native language. New subsection (l) requires valid and signed authorization before a contractor may provide goods or services to a customer.

§858.7. Contract Monitoring

Section 858.7 is amended to reflect modern monitoring practices, such as desk reviews and video conferences. A new subsection (c) is added to provide details on which documents and other information the contractor must make available to the Agency.

§858.8. Corrective Action Plan

Section 858.8 is amended to define timelines for preparing and implementing corrective action plans. A new provision is added

that allows the Agency to issue a "directed corrective action plan" if a contractor fails to submit an acceptable plan.

§858.9. Adverse Actions

Section 858.9 is amended and reorganized to establish a clearer and more structured framework for imposing adverse actions. The amendments add new subsections that outline factors the Agency will use to assess the severity of noncompliance (subsection (c)) and governing principles for the application of adverse actions, such as Agency discretion and consideration of mitigating factors (subsection (d)). New subsection (e) requires the Agency to develop a matrix to support the application of adverse actions.

§858.10. Debarment and Suspension of Contractors

Section 858.10 is repealed. Its content has been separated, significantly expanded, and moved into two new, more detailed sections: §858.10 (Suspension of Contractors) and §858.11 (Debarment of Contractors).

§858.10. Suspension of Contractors

New §858.10 is added to consolidate all rules regarding the temporary suspension of a contractor. This section clearly defines what a suspension is, its scope, the potential results (such as withholding payments and ceasing referrals), the process for resolving a suspension, and the specific information that must be included in a formal Notice of Suspension.

§858.11. Causes and Conditions of Debarment

Section 858.11 is repealed. Its content has been revised and consolidated into the new §858.11 (Debarment of Contractors) to create a single, comprehensive rule on the subject.

§858.11. Debarment of Contractors

New §858.11 is added to create a single, comprehensive section governing debarment. This section consolidates and clarifies the causes for debarment, the period and scope, and the results of being debarred. It also adds subsection (e) detailing types of evidence the Agency may consider when making a debarment decision, making the process more transparent and defensible.

§858.12. Causes and Results of Suspension

Section 858.12 is repealed. Its content has been revised and consolidated into the new §858.10 (Suspension of Contractors).

§858.13. Evidence for Debarment

Section 858.13 is repealed. Its content has been significantly expanded upon and incorporated into the new §858.11(e) (Debarment of Contractors).

§858.14. Notice for Debarment or Suspension

Section 858.14 is repealed. The notice requirements have been updated and incorporated directly into new §858.10(e) for suspensions and new §858.11(f) for debarments.

§858.15. Appeals

Section 858.15 is amended to clarify that contractors do not have the right to appeal against escalating adverse actions that are imposed due to a contractor's failure to remedy an initial adverse action in subsection (a) and adds that a contractor may be represented by an attorney or designated representative in new subsection (e). The subsections following have been re-lettered.

§858.16. Request for Reconsideration

Section 858.16 is amended to remove the Contractor Notice of Rights form number, as form numbers sometimes change, so as not to inadvertently outdate the rules if that happens.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the proposed rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the proposed rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the proposed rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the proposed rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the proposed rules.

There are no anticipated economic costs to individuals required to comply with the proposed rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the proposed rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking, as discussed elsewhere in this preamble, is to improve understanding and consistency with current TWC VR and contract management practices.

The proposed rulemaking will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the proposed rules will be in effect, they:

--will not create or eliminate a government program;

--will not require the creation or elimination of employee positions;

--will not require an increase or decrease in future legislative appropriations to TWC;

--will not require an increase or decrease in fees paid to TWC;

--will not create a new regulation;

--will not expand, limit, or eliminate an existing regulation;

--will not change the number of individuals subject to the rules; and

--will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the proposed rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the proposed rules.

Tammy Ames, Director, Vocational Rehabilitation Division, has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to improve understanding and consistency with current TWC VR and contract management practices.

TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

PART IV. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rule or any other interested person, information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than August 10, 2026.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than August 10, 2026.

40 TAC §§858.1, 858.3, 858.7 - 858.11, 858.15, 858.16

PART VI. STATUTORY AUTHORITY

The rules are proposed under:

--Texas Labor Code, §352.103, which provides TWC with the authority to adopt rules for the provision of VR services; and

--Texas Labor Code, §301.0015, which provides TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules relate to Title 4, Texas Labor Code, particularly Chapters 301 and 352.

§858.1. Definitions.

In addition to the definitions contained in §800.2 of this title, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Amendment--A formal revision or addition to a contract.

(2) Bid--An offer to contract with the state submitted in response to a bid invitation.

(3) Contract--An [~~A written~~] agreement between the Agency and a contractor by the terms of which the contractor agrees to provide goods or services, by sale or lease to or for the Agency for Vocational Rehabilitation (VR) customers.

(4) Contract records--All financial and programmatic records, supporting documents, papers, statistical data, or any other written or electronic materials that are pertinent to each specific contract instrument.

(5) Contractor--An individual holding a [~~written~~] contract or service authorization.

(6) Corrective action plan--Specific steps to be taken by a contractor to resolve identified deficiencies and/or to address concerns that the contracting agency has regarding the contractor's compliance with contract terms or other applicable laws, rules, or regulations. The corrective action plan may also focus on improving contractor performance (as it relates to service delivery, reporting, and/or financial stability).

(7) Debarment--The termination of the ability to continue an existing contract, to receive a new contract, to participate as a contractor or subcontractor, to provide goods or services to Agency Vocational Rehabilitation (VR) customers either directly or indirectly while working for an Agency contractor, or to make a bid, offer, application, or proposal for an Agency contract.

(8) Effective date--The date of complete execution of the contract or the date upon which the parties agree that the contract takes effect.

(9) Fraud--An individual commits fraud if, to obtain or increase a payment or other benefit, the individual or another on the individual's behalf:

(A) makes a false statement or representation that the individual knew or should have known was false; or

(B) fails to disclose a fact when the individual knew or should have known the fact was material.

(10) Improper payment--A payment to a contractor from the Agency that the contractor was not entitled to receive. Conditions resulting in an improper payment, include, but are not limited to:

(A) the Agency overpaying for a good or service;

(B) a non-qualified individual providing a service or services;

(C) a contractor incorrectly billing for two or more mutually exclusive activities or services for a customer;

(D) the Agency paying full price when the payment should have been reduced or discounted;

(E) the Agency paying for a good or service not received;

(F) invoices or reports that include false information, and which would not qualify for payment if the information was accurate;

(G) invoices or reports that include incomplete information, and which would not qualify for payment if the information was complete;

(H) the Agency paying for services for which outcomes required for payment were not met and no contract modification request was approved per policy; or

(I) other situations in which the error causes the payment to be outside the purposes of the VR program.

(11) [~~(9)~~] Individual--Any person [~~individual~~], corporation, partnership, association, unit of government, or legal entity, however organized, or any portion thereof.

(12) Overpayment--Any expenditure of Agency funds to a contractor that exceeds the published rate, contracted rate, or rate indicated on the Service Authorization; duplicates a previous payment; or covers goods or services that were not ultimately provided or utilized for the client's rehabilitation plan.

(13) [~~(10)~~] Program--Agency activities that are designed to deliver services or benefits provided by statute.

(14) [~~(11)~~] Respondent--An individual against whom the Agency has initiated an adverse [~~a debarment or suspension~~] action.

(15) Service authorization--A request for a contractor to provide identified goods or services based on the terms and conditions specified in the authorization.

(16) [~~(12)~~] Subcontract--An [~~A written~~] agreement between the original contractor and a third party to provide all or a specified part of the goods, services, work, and/or materials required in the original contract.

(17) [~~(13)~~] Suspension--The temporary discontinuance of a contractor's authorization to conduct business with the Agency.

§858.3. General Requirements for Contracting.

(a) To contract with the Agency for VR goods and services, the contractor must:

(1) ensure that:

(A) staff members meet all qualification requirements established by Agency policy and regulations;

(B) all staff members meet minimum qualifications at application and throughout the term of the contract;

(C) staff credentials supporting qualifications are on file at the time of hire and maintained throughout the term of the contract; [~~and~~]

(D) staff credentials are made available to Agency staff upon request;

(E) no staff member is debarred, suspended, or otherwise excluded from participating in contracts or providing services by the Agency, the State of Texas, or the federal government; and

(F) required criminal background checks are completed for all applicable staff and maintained on file;

(2) provide for such fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting of funds provided by the Agency in accordance with Agency policies and maintain financial and other contract records according to recognized fiscal and accounting practices such as the Generally Accepted Accounting Principles [~~(GAAP)~~];

(3) certify on or before the effective date of the contract that the contractor has and will maintain adequate operating funds for conducting business;

(4) have and maintain adequate staff to provide services on the effective date of the contract;

(5) notify the Agency in writing of changes to contact information according to the requirements of the contract. Unless otherwise specified in the contract, the contractor must notify the Agency:

(A) within 10 calendar days after any address change, including of the location of the contractor's office, physical address, or mailing address;

(B) immediately of any change in administrator or director; and

(C) within seven working days of any change in the contact telephone number designated in the contract; and

(6) report any suspected violation of rules or laws to the appropriate investigative authority. This includes reporting to the Agency any abuse, neglect, or exploitation.

(b) A contractor may not offer, give, or agree to give an Agency employee anything of value.

(c) A contractor or applicant may not engage in any activity that presents a real or apparent conflict of interest and must provide written attestation that no real or apparent conflicts of interest exist before execution of a contract with the Agency.

(d) Pursuant to Texas Government Code, §572.054(b), certain Agency employees may not represent or receive compensation from any individual concerning any contractual matter in which the former employee participated during his or her employment with the state.

(e) The Agency may choose not to enter into a contract:

(1) when, in the Agency's opinion, the contractor or a controlling party has a documented, unsatisfactory history in contracting with the Agency or with another state agency; or

(2) if the contractor:

(A) subcontracts any direct care services without specific authorization from the Agency; and/or

(B) assigns or transfers the contract without the Agency's prior written approval.

(f) The Agency may obtain criminal history information from the Texas Department of Public Safety and may use this information in awarding and administering Agency contracts. When the Agency uses the information, the terms and conditions of use are included in the affected contracts.

(g) Goods or services purchased or reimbursed by the Agency may be inspected or monitored at the discretion of the Agency.

(h) The Agency may require corrective action, remove or reassign active customers to other contractors for services, and/or impose an adverse action against a contractor for failure to comply with the terms of the contract and/or Agency rules, policies, and procedures.

(i) A contractor shall participate in orientation relating to Agency contract requirements before providing goods or services under a contract for the first time.

(j) Each contractor must coordinate with the customer's VR counselor, Independent Living Services worker, or Older Individuals Who Are Blind worker, as appropriate, to ensure that all verbal and written communications between the contractor and the customer are conducted in the customer's preferred or native language.

[(j) A contractor shall ensure that any facility in which services are provided includes individuals able to communicate in the native language of applicants, recipients of service, and other eligible individuals who have limited English proficiency.]

(k) Contractors shall take affirmative action to employ and advance in employment qualified individuals with disabilities.

(l) A valid and signed service authorization for specific services or goods is required before the goods or services are provided to a customer.

§858.7. Contract Monitoring.

(a) Any good or service purchased or reimbursed by the Agency may be monitored at the discretion of the Agency.

(b) The Agency may conduct compliance monitoring reviews of the contractor's services to determine if the contractor is in compliance with the contract and with program rules and requirements. The Agency may conduct a desk review of documents, speak to the contractor's staff by telephone or video conference, or meet in person at the contractor's place of business, at a Workforce Solutions Office location, or at some other physical location. [These reviews are conducted at the location where the contractor is providing the services unless the Agency specifies a different location.] The Agency shall assess contractor performance based on contract standards.

(c) The Agency may request that the contractor provides any information the Agency deems relevant to contract monitoring. The contractor shall make available all documents and other information related to a contract or service with the Agency, including but not limited to work papers, reports, books, records, documentation related to criminal background checks, and supporting documents the Agency requests. The Agency may also observe the contractor providing services or observe the contractor's operations as part of contract monitoring.

(d) [(c)] The Agency may expand a compliance monitoring review period or any requested review sample at any time.

(e) [(d)] The Agency may conduct a fiscal monitoring review:

(1) in conjunction with a compliance monitoring review;

(2) independent of a compliance monitoring review;

(3) when a contract is terminated;

(4) as a result of a complaint; or

(5) at other times, as the Agency considers necessary.

(f) [(e)] The Agency may use sampling methods in monitoring and auditing contracts.

(g) [(f)] The contractor has the burden of proof in establishing entitlement to payments made under the contract.

§858.8. Corrective Action Plan.

(a) If requested by the Agency, the contractor shall prepare and submit [implement] a corrective action plan to address and remedy all deficiencies or violations within 20 business days of the issuance of [in a timely manner in response to] findings of deficiencies by the Agency or other federal or state oversight authorities. The corrective action plan must be acceptable to the Agency and must be implemented by the contractor consistent with the corrective action plan timeline or as defined in the corrective action plan. The Agency may subsequently monitor and document the contractor's compliance with the corrective action plan as accepted.

(b) If a contractor does not submit a corrective action plan that is acceptable to the Agency, the Agency may issue a directed corrective action plan that the contractor must complete to remedy all deficiencies or violations.

§858.9. Adverse Actions.

(a) The purpose of this section is to establish a framework for the Agency to take and apply consistent and appropriate adverse actions against a contractor for noncompliance with contract terms, Agency rules, policies, and procedures. These provisions apply to all contractors that have entered into a contract with the Agency to provide VR goods or services.

(b) [(a)] [The Agency may impose an adverse action when the contractor fails to follow the terms of the contract or fails to comply with Agency rules, policies, and procedures.] The Agency may impose adverse actions for reasons including, but not limited to:

(1) the Agency's determination that one or more customers' health and safety has been or is jeopardized;

(2) the contractor's failure to comply with a monitoring request or failure to provide requested documentation;

(3) [(2)] the contractor's failure to submit an acceptable written corrective action plan as requested by the Agency [or failure to comply with an accepted corrective action plan];

(4) the contractor's failure to comply with an accepted or directed corrective action plan;

(5) [(3)] the contractor's failure to follow an agreed-upon audit resolution payment plan;

(6) [(4)] the contractor's failure to submit an acceptable cost report, if applicable;

(7) [(5)] the contractor's failure to comply with the contract requirements;

(8) the contractor providing misinformation about the VR program or other providers;

(9) [(6)] the contractor's failure to maintain a current required license or professional certification or the contractor allowing the expiration of any required license or professional certification if applicable;

(10) [(7)] the contractor's relocation to a new facility address that does not have the appropriate license, if applicable;

(11) the contractor subcontracts any direct care service, or assigns or transfers the contract without the Agency's prior approval;

(12) [(8)] the contractor's exclusion from contracting with the Agency or any health and human services program;

(13) [(9)] debarment or exclusion from a federal program;

(14) [(10)] a validated report or reports of abuse, neglect, or exploitation where an owner, employee, or volunteer who has direct access to customers is the perpetrator of, or enables, the abuse, neglect, or exploitation of a customer;

[(11) substantiated claims of fraud against a contractor; and]

[(12) any other cause of so serious or compelling a nature that it affects the contractor's ability to perform under the contract or presents an imminent risk of harm to or liability for the Agency.]

(15) fraud;

(16) a significant or repeated failure to demonstrate the business integrity, honesty, or responsibility required to perform as a state contractor;

(17) any action or conduct that compromises the integrity or public trust in the Agency's programs; or

(18) any other cause that presents an imminent risk of harm to customers, or significant liability or financial loss to the Agency.

(c) [~~(b)~~] The Agency may take the following adverse actions:

(1) Recoup money that the contractor owes as a result of improper payment [~~overpayments~~] or other billing irregularities;

(2) Place a vendor hold on one or all the contractor's contracts, which must be released when the Agency determines that the contractor has resolved the issue or issues causing the hold;

(3) Deny all or part of a claim;

(4) Direct the contractor to suspend or terminate a subcontractor's participation in the provision of goods or services;

(5) Terminate a contract for cause before its expiration date;

(6) Suspend the contractor's right to conduct business with the Agency;

(7) Debar the contractor's right to contract or conduct business with the Agency, in any capacity, for a specified period of time; or

(8) Take any other less severe action or actions that the Agency determines necessary to ensure the contractor's compliance with the underlying contract, after considering the circumstances of a particular case.

(d) The Agency's decision to impose an adverse action and the gravity of that action will be based on an assessment of the relevant factors, including but not limited to the following factors:

(1) The severity of a contractor's noncompliance. Factors may include, but are not limited to, the:

(A) risk to customer health, safety, and welfare; and

(B) financial and other potential impact on the Agency or its customers;

(2) The contractor's intent, including evidence of willfulness or negligence, a simple error, or a pattern of repeated, uncorrected noncompliance;

(3) Mitigating factors, such as a contractor's good-faith cooperation, acceptance of responsibility, and prompt implementation of remedial measures; and

(4) The goods, services, or goals the contractor provided or performed under the contract as compared to the requirements of the contract.

(e) The Agency retains the discretion to take any less or more severe action it deems necessary and appropriate based on the specific circumstances of the noncompliance.

(f) The Commission shall adopt a matrix to support the application of adverse actions under this subchapter.

§858.10. Suspension of Contractors.

(a) General Principles. A suspension is a temporary action taken by the Agency against a contractor. The Agency may suspend a contractor or individual when there is a reasonable suspicion of conduct that may constitute a ground for adverse action or debarment, including, but not limited to, suspected fraud, waste, or abuse; a failure to follow the terms of a contract; or a failure to comply with Agency rules, policies, and procedures. A suspension is in effect until an investigation, hearing, or trial is concluded and the Agency determines the contractor's future ability to contract or subcontract with the Agency.

(b) Scope of Suspension. The Agency may apply a suspension against an individual, an entire legal entity, or a specified part of a legal entity. The Agency may impute the conduct of an individual who controls or serves the contractor through contract, employment, ownership interest, or other demonstrable way, even though the assigned conduct being imputed occurred when the individual was not associated with the contractor.

(c) Notice of Suspension. Written notice of a suspension must include:

(1) the grounds for the action;

(2) the conditions that might cause a suspension to be released;

(3) a statement explaining the effect of the suspension; and

(4) a statement as to whether the suspension is in effect for all Agency contracts or for a particular Agency contract.

(d) Results of Suspension. Suspension will result in one or more of the following:

(1) The Agency may withhold payments, wholly or partly, to the contractor during the period of suspension.

(2) The Agency may refuse to accept a bid, offer, application, or proposal from, or award a contract to, the affected contractor during the period of suspension.

(3) The Agency may cease referring customers to a suspended contractor, remove existing customers referred to a suspended contractor, or transfer existing customers to other contractors.

(4) Unless the suspension notice specifies a more limited scope (such as only ceasing new referrals), a suspended contractor or individual is immediately prohibited from:

(A) receiving any new Agency contract;

(B) submitting an offer, bid, application, or proposal for any Agency contract;

(C) providing goods or services to Agency customers in any capacity (including as an employee, subcontractor, agent, or volunteer) for or on behalf of any other Agency contractor; and

(D) acting as a principal or representative for, or otherwise benefiting financially from, any other Agency contract.

(e) Resolution of Suspension.

(1) If the Agency determines that the underlying reasons for suspension have been resolved in favor of the respondent, the Agency must, if applicable:

(A) pay the withheld payments for services that were provided during the suspension and that met the terms of an existing contract; and

(B) resume contract payments and customer referrals.

(2) If the Agency determines that the underlying reasons for the suspension are not resolved in favor of the respondent, the Agency may institute debarment proceedings or take other adverse action against the respondent.

§858.11. Debarment of Contractors.

(a) General Principles. Debarment is a serious action taken by the Agency to exclude a contractor from participating in Agency contracts for a specified period and protect the Agency's interests.

(b) Causes for Debarment. The Agency may debar a contractor for various reasons, including:

(1) being adjudicated as guilty, pleading guilty, pleading nolo contendere, or receiving a deferred adjudication in a criminal court relating to:

(A) obtaining, attempting to obtain, or performing a public or private contract or subcontract;

(B) engaging in embezzlement, theft, forgery, bribery, falsification or destruction of records, fraud, receipt of stolen property, making false statements or claims, tax evasion, or any other offense indicating moral turpitude or a lack of business integrity or honesty;

(C) using or possessing controlled or illegal substances, or committing other drug-related offenses;

(D) violating federal antitrust statutes arising from submitting bids or proposals;

(E) committing an offense involving physical or sexual abuse or neglect; or

(F) committing an offense involving the direct support or promotion of human trafficking;

(2) being debarred from contracting by any unit of the federal or state government;

(3) violating Agency contract provisions, including failing to perform according to the terms, conditions, and specifications, or within the time specified, in an Agency contract, including, but not limited to:

(A) failing to abide by applicable federal and state statutes, rules, regulations, policies, and procedures, such as those regarding individuals with disabilities and those regarding civil rights; or

(B) having a record of failure to perform or of unsatisfactory performance according to the terms of one or more contracts or subcontracts, if that failure or unsatisfactory performance has occurred within five years preceding the determination to debar. Failure to perform and unsatisfactory performance include, but are not limited to:

(i) failing to correct contract performance deficiencies after receiving written notice about them from the Agency or its authorized agents;

(ii) failing to repay or make and complete arrangements satisfactory to the Agency to repay identified improper payments or assessed liquidated damages or penalties;

(iii) failing to meet standards that are required for licensure or certification, or that are required by state or federal law, Agency rules, or Agency policy;

(iv) failing to execute contract amendments required by the Agency;

(v) billing for services or goods not provided;

(vi) submitting a false report or misrepresentation that may increase individual or statewide rates or fees;

(vii) charging customers fees contrary to Agency rules or policy;

(viii) failing to notify and reimburse the Agency or its agents for services that the Agency paid for when the contractor received reimbursement from a liable third party;

(ix) failing to disclose or make available Contractor-required records to the Agency or its representatives (including appropriate federal and state agencies);

(x) failing to provide and maintain services within standards required by statute, regulations, or contract; or

(xi) violating the Texas Human Resources, Government, or Labor Code provisions applicable to the contractor or any rule or regulation issued under the referenced codes;

(4) submitting an offer, bid, proposal, or application that contains a false statement or misrepresentation or omits pertinent facts or documents that are material to the procurement;

(5) engaging in an abusive or neglectful practice that results in or could result in death or injury to the customer served by the contractor;

(6) knowingly and willfully using a debarred individual as an employee, independent contractor, or agent associated with any service provided in performance of a contract with the Agency;

(7) failing to pay a substantial debt or debts, including disallowed costs and overpayments or improper payments owed to any federal or state agency instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted; or

(8) any other cause of a serious or compelling nature that affects a contractor's present or future ability to perform under the contract or that presents an imminent risk of harm to or liability for the Agency.

(c) Period and Scope of Debarment.

(1) Period.

(A) Debarment shall be imposed for a period commensurate with the seriousness of the cause(s).

(B) Generally, debarment should not exceed three years. Debarment may exceed three years if:

(i) the reason for debarment is particularly egregious or involves fraud, in which case the debarment will not exceed five years;

(ii) the debarment is for a violation of the provisions of the Drug-Free Workplace Act of 1988, in which case the period of debarment will not exceed five years; or

(iii) the individual or contractor is debarred under §858.11(b)(1) of this chapter for a crime against an Agency customer or the Agency, the period of debarment may be permanent.

(C) The Agency may extend the debarment for an additional period if the Agency determines that an extension is necessary to protect the Agency's interest. However, debarment may not be extended solely upon the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined necessary, the same procedures to impose an initial debarment shall be followed to extend the debarment.

(D) The period of debarment shall begin on the effective date stated in the final debarment notice.

(E) The period of debarment shall be reduced by the duration of any preceding suspension, provided the suspension prohibited

the contractor from providing any goods or services to Agency customers and from submitting claims for payment for work performed on or after the suspension's effective date. Suspensions that only limit the scope of business, such as a freeze on new referrals, shall not be credited toward the debarment period.

(2) Scope.

(A) The Agency may impute the conduct of an individual who controls or serves the contractor through contract, employment, ownership interest, or other demonstrable way, even though the conduct being imputed occurred when the individual was not associated with the contractor.

(B) A single occurrence of a violation may result in debarment.

(C) Nothing in this provision shall be construed in a manner that would prevent a debarred individual, who is also a VR customer, from receiving VR services as a VR customer.

(d) Results of Debarment. The prohibitions resulting from a debarment apply to the full extent of the scope defined in the debarment notice. Unless otherwise specified in the notice, a debarred individual or entity is prohibited from:

(1) submitting an offer, bid, application, or proposal for any Agency contract;

(2) receiving or being awarded any new Agency contract;

(3) continuing to perform work under, or retain, any existing Agency contract after the effective date of the debarment;

(4) providing goods or services to Agency customers, either directly or indirectly, in any capacity (including as an employee, agent, consultant, subcontractor, or partner) for or on behalf of any other Agency contractor;

(5) billing for or receiving payment from the Agency for any goods or services provided on or after the effective date of the debarment;

(6) acting as a principal or representative for any other entity in its dealings with the Agency; and

(7) including costs associated with a debarred individual (such as salary, fringe benefits, or overhead) in any cost report or other document submitted to the Agency for the purpose of establishing or adjusting a payment rate or fee.

(e) Evidence for Debarment. In making a debarment decision, the Agency may consider factors such as:

(1) The actual or potential harm or impact that results or may result from the wrongdoing.

(2) The frequency, duration, or pattern of the wrongdoing.

(3) Whether an individual or contractor is or has been disqualified by an agency of the federal government or has been banned from participating in state or local contracts or assistance agreements based on similar conduct.

(4) The individual or contractor's role in planning, initiating, or carrying out the wrongdoing.

(5) Whether the individual or contractor accepted responsibility and recognized the seriousness of the misconduct.

(6) Whether the individual or contractor has made or agreed to make full restitution and paid or agreed to pay all criminal, civil, and administrative liabilities for the improper activity, including any investigative or administrative costs incurred by the government.

(7) Whether the individual or contractor cooperated fully with the government agencies during the investigation and with any court or administrative action. In determining the extent of cooperation, the Agency may consider when the cooperation began and whether the individual disclosed all pertinent information known to the individual.

(8) The types of positions held by the individuals or contractors involved in the wrongdoing.

(9) Whether the contractor's organization took appropriate corrective action or remedial measures, including disciplinary action against responsible parties.

(10) Whether the individual or contractor brought the activity cited as a basis for the debarment to the attention of the appropriate Agency representative in a timely manner.

(11) Whether the individual or contractor fully investigated the circumstances surrounding the cause for debarment and, if so, made the result of the investigation available to the Agency.

(12) Whether the individual or contractor had effective standards of conduct and internal control systems in place at the time the questioned conduct occurred.

(13) Whether the individual or contractor had adequate time to eliminate the circumstances within the individual's organization that led to the cause for the debarment.

(14) Other factors related to the contractor's performance that the Agency determines are appropriate to the circumstances of the case.

(f) Notice for Debarment. Written notices of debarment must include:

(1) the grounds for the action;

(2) the effective start and end dates of the debarment;

(4) a statement explaining the effect of the debarment; and

(5) a statement as to whether the debarment is in effect for all Agency contracts or for a particular Agency contract.

§858.15. Appeals.

(a) A contractor may appeal an initial adverse action rendered by the Agency under §858.9 of this chapter in writing by hand delivery, mail, common carrier, facsimile (fax) transmission, electronic mail (email),or other method approved by the Agency, [~~in writing. A contractor shall only submit an appeal by hand delivery, mail, or common carrier to the Agency~~] as directed on the Contractor Notice of Appeal Rights [~~(VR 1309)~~]. An appeal sent by unapproved methods or to a different address will not be considered by the Agency as a valid appeal. A contractor cannot appeal escalating adverse actions taken by the Agency based on a contractor's failure to correct or remedy an initial adverse action.

(b) The Agency's initial adverse action is final for all purposes unless the contractor files an appeal not later than 28 calendar days after the date on which the initial adverse action is mailed, sent by electronic mail, or sent by facsimile to the contractor. The timeliness of an appeal is subject to the rules and procedures set out in the Unemployment Insurance rules in [~~at 40 TAC~~] Chapter 815 of this title, except to the extent that such sections are clearly inapplicable or contrary to provisions set out under these Chapter 858 rules or the contract between the parties.

(c) To be considered, the appeal must include the following:

(1) A statement of facts describing how an Agency decision, action, or inaction deviated from contract terms, published policy, or state or federal laws or regulations;

(2) The contractor's claim, including pertinent contract sections;

(3) A statement of the issue or issues in dispute;

(4) A brief statement about why the Agency's initial adverse action is wrong;

(5) All evidence and documentation the contractor intends to rely on to support the appeal; and [~~Copies of evidence or documentation supporting the appeal; and~~]

(6) The action requested.

(d) The contractor may supplement its appeal after the appeal is [~~being~~] perfected but before the Agency renders [~~rendering~~] a decision on the merits of the appeal.

(e) A contractor may be represented by an attorney or designated representative.

(f) [~~(e)~~] As part of the appeal, the contractor may also request a meeting with the Agency. Whether a meeting will be granted is at the Agency's discretion. The meeting request should include a description of any special accommodations needed for the contractor, witnesses, or representatives. At the meeting, the contractor may:

(1) be represented by an individual of the contractor's selection; and

(2) present evidence and information to support the contractor's position.

(g) [~~(f)~~] The Agency will notify the contractor whether its appeal has been perfected and has met the requirements in subsection (c) of this section for consideration on its merits. If the appeal does not meet the requirements, the appeal will be denied, and the initial adverse action will be the Agency's final decision.

(h) [~~(g)~~] An Agency appeal decision becomes final 14 days after the date the appeal decision is mailed, unless the contractor files a written request for reconsideration before that date.

(i) Effect of Appeal. The filing of an appeal does not stay the effective date of the adverse action. The adverse action shall remain in effect during the appeal process unless the Agency, at its sole discretion, grants a stay in writing.

§858.16. Request for Reconsideration.

(a) The contractor may submit a request for reconsideration in writing following the Agency's issuance of the appeal decision. [~~by hand delivery, mail, common carrier, facsimile (fax) transmission, or other method approved by the Agency in writing:~~]

(1) A contractor's request for reconsideration shall be submitted to the Agency by hand delivery, mail, common carrier, facsimile (fax) transmission, electronic mail (email), or other method approved by the Agency, [~~only be hand delivered, mailed, or sent by common carrier to the Agency~~] as directed on the Contractor Notice of Rights [~~(VR 1309)~~]. A request for reconsideration sent by unapproved methods or to a different address will not be considered a valid request for reconsideration by the Agency.

(2) The timeliness of a request for reconsideration is subject to the rules and procedures set out in the Unemployment Insurance rules in [~~at~~] Chapter 815 of this title, except to the extent that such sections are clearly inapplicable or contrary to provisions set out under these Chapter 858 rules or the contract between the parties.

(b) A request for reconsideration shall not be granted unless each of the following three criteria are met:

(1) There [~~there~~] is an offering of new evidence, which was not presented as part of the original appeal pursuant to §858.15 of this chapter;

(2) There [~~there~~] is a compelling reason why the evidence was not presented earlier; and

(3) There [~~there~~] is a specific explanation of how consideration of the evidence would change the outcome of the decision.

(c) The Agency's decision on the request for reconsideration is the final decision of the Agency.

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

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Les Trobman
General Counsel
Texas Workforce Commission
Earliest possible date of adoption: August 9, 2026
For further information, please call: (737) 301-9662

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40 TAC §§858.10 - 858.14

The rules are repealed under:

--Texas Labor Code, §352.103, which provides TWC with the authority to adopt rules for the provision of VR services; and

--Texas Labor Code, §301.0015, which provides TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed repeals relate to Title 4, Texas Labor Code, particularly Chapters 301 and 352.

§858.10. Debarment and Suspension of Contractors.
§858.11. Causes and Conditions of Debarment.
§858.12. Causes and Results of Suspension.
§858.13. Evidence for Debarment.
§858.14. Notice for Debarment or Suspension.

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

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TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 2. ENVIRONMENTAL REVIEW OF TRANSPORTATION PROJECTS
SUBCHAPTER I. MEMORANDUM OF UNDERSTANDING WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

43 TAC §§2.302 - 2.306, 2.308

The Texas Department of Transportation (department) proposes amendments to §§2.302 - 2.306, and 2.308 concerning Memorandum Of Understanding With The Texas Commission On Environmental Quality.

EXPLANATION OF PROPOSED AMENDMENTS

Transportation Code, §201.607, requires the department to adopt a memorandum of understanding (MOU) with each state agency that has responsibilities for the protection of the natural environment or for the preservation of historic or archeological resources. Transportation Code, §201.607, also requires the department to adopt the MOU and all revisions to it by rule and to periodically evaluate and revise the MOU. The department has evaluated its MOU with the Texas Commission on Environmental Quality (TCEQ) adopted in 2019 and finds it necessary to make various changes to Chapter 2, Subchapter I, of the department's rules.

Amendments to §2.302, Authority, consist of some minor grammatical revisions.

Amendments to §2.303, Definitions, remove an outdated and unnecessary definition of "transportation enhancement." They also make some minor grammatical revisions.

Amendments to §2.304, Responsibilities, consist of a minor grammatical revision.

Amendments to §2.305, Coordination during Environmental Review Process, clarify that certain water quality-related information is required to be included in an environmental impact statement or environmental assessment only if a project is within five miles and drains to an impaired assessment unit. They also remove outdated language regarding a "Tier II 401 certification," which is no longer used by TCEQ. They also clarify the existing language regarding TxDOT's consideration of comments made by TCEQ after the comment deadline. They also make some minor grammatical revisions.

Amendments to §2.306, Exchange of Air Quality Information, clarify the existing language regarding air quality information to be provided by TCEQ to TxDOT upon TxDOT's request. The proposed rule language refers to "the counties included in any of the state's non-attainment areas, including nonattainment classifications and current design values for these areas." This is more accurate than the existing rule language, which refers to "the location and severity of conditions in non-attainment areas."

Amendments to §2.308, Review of MOU, revise the existing rule language regarding future reviews of the MOU every five years to specify that there would be no need for a rule revision if, at the end of a five-year interval, TxDOT and TCEQ were to agree that no changes to the MOU are needed.

FISCAL NOTE

Stephen Stewart, Chief Financial Officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or commission's enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Doug Booher, Environmental Affairs Division Director, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

Doug Booher has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be continued exchange of information between the department and TCEQ regarding transportation projects and their potential impact on natural resources, and improved clarity regarding the requirements in the MOU. Additionally, the new language in §2.308, Review of MOU, may allow TxDOT and TCEQ to avoid unnecessary rulemaking processes in the future if it is agreed that no MOU changes are needed at the end of future five-year intervals.

COSTS ON REGULATED PERSONS

Doug Booher has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Doug Booher has considered the requirements of Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rules would be in effect:

(1) they would not create or eliminate a government program;

(2) their implementation would not require the creation of new employee positions or the elimination of existing employee positions;

(3) their implementation would not require an increase or decrease in future legislative appropriations to the agency;

(4) they would not require an increase or decrease in fees paid to the agency;

(5) they would not create a new regulation;

(6) they would not expand, limit, or repeal an existing regulation;

(7) they would not increase or decrease the number of individuals subject to its applicability; and

(8) they would not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

Doug Booher has determined that a written takings impact assessment is not required under Government Code, §2007.043.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The proposed rules are subject to the Texas Coastal Management Program (CMP) and must be consistent with all applicable CMP policies. The department has concluded that the proposed rules are consistent with all applicable CMP policies.

The CMP policies applicable to transportation projects are set forth at 31 TAC §26.31. This rulemaking does not dictate the siting of transportation projects or contain any other requirements that would contradict any of the CMP policies listed in that rule. Rather, it establishes a mechanism by which the department and TCEQ can efficiently and appropriately exchange information regarding transportation projects and their potential impacts on natural resources, as required by statute at Transportation Code, §201.607, that is acceptable to both department and TCEQ staff. None of the CMP policies listed at §26.31 pertain to the mechanism by which the department and TCEQ exchange information. Additionally, the intent of the MOU is to foster communication, collaboration, and cooperation between TCEQ and the department on the review of transportation projects and protection of State natural resources, which is generally in alignment with the overall purpose of the CMP policies listed at 31 TAC §26.31. For these reasons, this rulemaking is consistent with the CMP policies listed at 31 TAC §26.31.

A copy of this rulemaking will be submitted to the General Land Office for its comments on the consistency of the proposed rulemaking with the CMP. The department requests that the public also provide comments on whether the proposed rulemaking is consistent with the CMP.

SUBMITTAL OF INFORMATION AND COMMENTS

Any person that is required to comply with the proposed rule or any other interested person may provide information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, or may submit written comments on the amendments to §§2.302 - 2.306, and 2.308. The information or comments must be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "TCEQ MOU rulemaking." The deadline for receipt of the information or comments is 5:00 p.m. on August 10, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who makes a submission must disclose, in writing with the submission, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The amendments are proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, §201.607, requiring the department to have an MOU with TCEQ and to adopt it by rulemaking.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, §§201.604, 201.607, and 201.752.

§2.302. Authority.

(a) Transportation Code §201.607, directs TxDOT [~~the Texas Department of Transportation~~] to adopt memoranda of understanding with each agency that has responsibilities for the protection of the natural environment.

(b) Under Water Code §5.104(b) and Health and Safety Code §382.035, TCEQ [~~the Texas Commission on Environmental Quality (TCEQ)~~] may enter into a memorandum of understanding with any other state agency and shall adopt by rule any memorandum of understanding between TCEQ and any other state agency.

§2.303. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise. Any other words or terms used in this MOU [~~Memorandum of Understanding~~] have their ordinary meaning, except to the extent such words or terms are defined in §2.5 of this chapter (relating to Definitions), in which case such definitions shall apply.

(1) Assessment unit--For a water body in the state, the smallest geographic area of use support analyzed for such body in TCEQ's [~~Texas Commission on Environmental Quality's~~] most recent integrated report prepared under the Clean Water Act (CWA) §305(b) that includes a CWA [~~Clean Water Act~~] §303(d) list that has been approved by EPA [~~the U.S. Environmental Protection Agency~~]. An assessment unit is based on the primary segment assessment unit identified in the integrated report.

(2) Construction--Activities that involve the building of transportation projects on new location; or the expansion, rehabilitation, or reconstruction, of an existing facility.

(3) EPA--The United States Environmental Protection Agency.

(4) Federal Clean Air Act (FCAA)--The federal statute, including all amendments, that establishes National Ambient Air Quality Standards (NAAQS) and mandates procedures for reaching and maintaining these standards, codified at 42 United States Code §§7401, et seq.

(5) Maintain or maintenance--Activities which involve the upkeep or preservation of an existing facility to prevent that facility's degradation to an unsafe or irreparable state, or which involve the treatment of an existing facility or its environs to meet acceptable standards of operation or aesthetic quality. The activities generally do not require the acquisition of additional right of way or result in increased roadway capacity.

(6) Maintenance area--A geographic area previously designated as a nonattainment [~~non-attainment~~] area and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under 42 United States Code §7505a of the FCAA, and other areas designated as maintenance areas by the EPA.

(7) Non-attainment area--A geographic area designated nonattainment by the EPA as failing to meet the NAAQS for a pollutant for which a standard exists. The EPA designates counties (or portions thereof) as nonattainment under the provisions of 42 United States Code §7407(d). For the official list and boundaries of nonattainment areas, see 40 Code of Federal Regulations Part 81 and relevant notices in the *Federal Register*.

(8) State Implementation Plan (SIP)--The plan prepared by the TCEQ under 42 United States Code §7410 of the FCAA to attain, maintain, implement, or enforce NAAQS. An approved SIP is the implementation plan, or most recent revision of this plan, that has been approved by EPA under 42 United States Code §7410 of the FCAA.

(9) TCEQ--Texas Commission on Environmental Quality.

(10) TxDOT--Texas Department of Transportation.

(11) Total Maximum Daily Load (TMDL)--The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards as adopted by the TCEQ for a particular water body.

(12) TMDL Implementation Plan (I-Plan)--A plan describing the strategy and activities TCEQ and watershed partners will carry out to improve water quality in the affected watershed.

~~[(13) Transportation enhancement--An activity that is listed under 23 United States Code §101(a)(29), that relates to a transportation project, and is eligible for federal funding under 23 United States Code §133.]~~

(13) [~~(14)~~] Transportation project--A project to construct, maintain, or improve a highway, rest area, toll facility, aviation facility, public transportation facility, rail facility, ferry, or ferry landing. [~~A transportation enhancement is also a transportation project.~~]

§2.304. Responsibilities.

(a) TxDOT is responsible for the development, construction, maintenance, and operation of the state highway system and other transportation systems as designated by the legislature.

(b) TCEQ is the state air and water pollution control agency and is the principal authority in Texas on matters relating to the quality of the state's air and water resources, including the following:

(1) Air quality. TCEQ's primary responsibility relating to air, as designated by Health and Safety Code[~~,~~] §382.002, includes, but is not limited to, setting standards, criteria, levels, and emission limits for air quality and air pollution control; and

(2) Water quality. TCEQ is charged with the protection of water quality, water rights, and the adoption and enforcement of rules and performance of other acts relating to the safe construction, maintenance, and removal of dams. TCEQ's jurisdiction over water quality, water rights, and enforcement of [~~both~~] water quality, water rights, and dam safety includes, but is not limited to, those items outlined in Water Code §5.013.

§2.305. Coordination during Environmental Review Process.

(a) Applicability. This section specifies when TxDOT shall coordinate a transportation project with TCEQ. TxDOT may elect to coordinate with TCEQ concerning other transportation projects that this MOU does not require to be coordinated.

(1) Not applicable. This MOU does not apply to a project that TxDOT classifies as a categorical exclusion under §2.81 of this chapter (relating to Categorical Exclusions) and TxDOT is not required to coordinate such projects with TCEQ.

(2) Applicable. TxDOT will coordinate with TCEQ on transportation projects that require environmental impact statements (EIS), supplemental EIS [~~environmental impact statements~~], and environmental assessments (EA) as defined in §2.5 of this chapter, in the manner described in subsection (b) of this section.

(3) Reevaluations. If TxDOT prepares a written reevaluation for an EIS or EA level transportation project under §2.85 of this chapter (relating to Reevaluations), TxDOT shall coordinate the reevaluation with TCEQ if the earlier coordination concerning the project is no longer valid as a result of changes in the project.

(b) Coordination Process.

(1) TxDOT will submit a notice of availability for each draft EIS [~~environmental impact statement~~], supplemental EIS [~~environmental impact statement~~], and EA [~~environmental assessment~~] pursuant to §2.108 (relating to Notice of Availability) to the e-mail address specified by TCEQ in writing.

(2) If required by the applicable sections, a notice of availability submitted to TCEQ pursuant to this section will include notice of an opportunity for public hearing as provided by §2.106 (relating to Opportunity for Public Hearing) or notice of a public hearing as provided by §2.107 (relating to Public Hearing).

(3) TxDOT shall ensure that each review document for which TCEQ receives notice under paragraph (1) of this subsection meets the following criteria.

(A) Air quality. The review document shall indicate whether the project adds capacity in a nonattainment or maintenance area for one or more federal Clean Air Act NAAQS [~~National Ambient Air Quality Standards~~].

(B) Water resources. The review document shall include:

(i) If the project is located within five miles of, within the watershed of, and drains to an impaired assessment unit under Section 303(d) of the federal CWA:

(I) the location of the project in the watershed, segment name, segment number, and the assessment number unit; and

(II) information identifying the associated activities which will be implemented, operated, and maintained in a manner that is consistent with an approved TMDL or approved I-Plan.

(ii) Information describing the process for compliance, when applicable, with TCEQ's Texas Pollutant Discharge Elimination System (TPDES) program under Section 402 of the CWA and Water Quality Certification Program under Section 401 of the CWA.

~~*[(i)* The location of the project in the watershed, segment name, segment number, and the assessment unit number. The review document shall also provide:]~~

~~*[(I)* information identifying the associated activities which will be implemented, operated, and maintained in a manner that is consistent with an approved TMDL or approved I-Plan when the project is located within five miles of, within the watershed of, and drains to an impaired assessment unit under Section 303(d) of the federal Clean Water Act; and]~~

~~*[(II)* information describing the process for compliance, when applicable, with the Texas Pollutant Discharge Elimination System (TPDES) program and the TCEQ's Water Quality Certification Program under Section 401 of the CWA.]~~

~~*[(ii)* Whether the transportation project will require Tier II individual Clean Water Act Section 401 certification under procedures defined in the most recent version of the memorandum of agreement between the U.S. Army Corps of Engineers and TCEQ.]~~

(iii) For a transportation project located in the recharge, transition, or contributing zones of the Edwards Aquifer, pursuant to 30 TAC Chapter 213, Subchapters A and B (relating to Edwards Aquifer), the location of the project within the Edwards Aquifer and a statement that the proposed project and associated activities shall be implemented, operated, and maintained in a manner that complies with the Edwards Aquifer rules and any applicable TCEQ guidance documents in effect to implement the rules.

(4) TCEQ shall have a minimum period of 30 days, from the date of receipt, to review the draft EIS [~~environmental impact statement~~], supplemental EIS [~~environmental impact statement~~], or EA

[~~environmental assessment~~] and provide written comments. Before the deadline for review, TCEQ may, if necessary, notify TxDOT that it is extending the review period for no more than 15 additional days. TCEQ will submit any comments to the e-mail address specified by TxDOT in writing.

(5) If TCEQ provides comments within the timeframe described in paragraph (4) of this subsection, TxDOT will consider TCEQ's comments [~~as applicable~~]. If TCEQ provides comments [~~TCEQ's comments will be made part of the project file. TxDOT will consider TCEQ comments submitted to TxDOT~~] after the timeframe described in paragraph (4) of this subsection, TxDOT will consider TCEQ's comments to the extent possible, given the stage of the environmental review process at the time of the submission.

§2.306. Exchange of Air Quality Information.

(a) Upon request by TxDOT, TCEQ will provide publicly available information to TxDOT related to air quality, such as:

(1) information useful for establishing existing air quality conditions to be described in an environmental review document;

(2) the counties included in any of the state's non-attainment areas, including nonattainment classifications and current design values for these areas [~~the location and severity of conditions in non-attainment areas~~];

(3) information affecting transportation-related activity and mobile sources in the state implementation plan; and

(4) proposed and existing locations of roadside air monitors.

(b) TxDOT and TCEQ will exchange data useful for developing mobile source budgets, and data on transportation conformity determinations, including for any area newly designated by EPA as a non-attainment area.

§2.308. Review of MOU.

This MOU shall be examined and, if necessary, revised on a five-year interval basis measured from the effective date of this subchapter [~~reviewed and updated no later than five years from the adoption date~~]. TxDOT and TCEQ by rule shall adopt the MOU and all revisions to the MOU. If, on a particular five-year interval, representatives from TxDOT and TCEQ examine this MOU and determine that no revisions are needed, then there shall be no need for a rule revision. If a change in state or federal law or a change in the SIP necessitates a change in this MOU, or if the parties agree that there has been a significant increase in the number of transportation projects requiring TxDOT to coordinate with TCEQ, then representatives from both TxDOT and TCEQ will meet to work out a mutually agreeable amendment to the MOU.

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

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Becky Blewett
Deputy General Counsel
Texas Department of Transportation
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CHAPTER 9. CONTRACT AND GRANT MANAGEMENT

SUBCHAPTER C. CONTRACTING FOR ARCHITECTURAL, ENGINEERING, AND SURVEYING SERVICES

43 TAC §9.32

The Texas Department of Transportation (department) proposes the amendments to §9.32 concerning Selection Processes, Contract Types, Selection Types, and Projected Contracts.

EXPLANATION OF PROPOSED AMENDMENTS

The department's rules currently limit the terms of indefinite deliverable contracts procured for architectural, engineering, or surveying services using the federal selection process (federal ID contracts) to not more than five years, in accordance with 23 CFR §172.9(a)(3)(i). In practice, the Federal Highway Administration (FHWA) allows the department to extend certain federal ID contracts past a five-year term, after formal FHWA concurrence, which is currently requested by letter. FHWA has recommended that the department transition to a documented notification process instead of individual letters. The process will be defined in the department's manual, PEPS Contracting: Project Management for the Project Manager, which has been approved by the FHWA, as required by 23 CFR §172.5(c).

This rule change allows certain federally procured contracts to extend past five years, therefore, providing the department with more flexibility to complete projects.

Amendments to §9.32, Selection Processes, Contract Types, Selection Types, and Projected Contracts, add an exception to the five-year contracting period limit, which would permit the department to grant an extension more than five years with concurrence of the FHWA. Additionally, it delegates the approval to extend the four-year period to issue work authorizations to the executive director.

FISCAL NOTE

Stephen Stewart, Chief Financial Officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or commission's enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Martin Rodin, Profession Engineering Procurement Services Division Director, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

Martin Rodin has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be more efficient project delivery.

COSTS ON REGULATED PERSONS

Martin Rodin has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Martin Rodin has considered the requirements of Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) it would not create or eliminate a government program;

(2) its implementation would not require the creation of new employee positions or the elimination of existing employee positions;

(3) its implementation would not require an increase or decrease in future legislative appropriations to the agency;

(4) it would not require an increase or decrease in fees paid to the agency;

(5) it would not create a new regulation;

(6) it would not expand, limit, or repeal an existing regulation;

(7) it would not increase or decrease the number of individuals subject to its applicability; and

(8) it would not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

Martin Rodin has determined that a written takings impact assessment is not required under Government Code, §2007.043.

SUBMITTAL OF INFORMATION AND COMMENTS

Any person that is required to comply with the proposed rule or any other interested person may provide information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, or may submit written comments on the amendments to §9.32. The information or comments must be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Amendments to §9.32." The deadline for receipt of the information or comments is 5:00 p.m. on August 10, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who makes a submission must disclose, in writing with the submission, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The amendments are proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Government Code, Chapter 2254, Subchapter A and Transportation Code, §223.041.

§9.32. Selection Processes, Contract Types, Selection Types, and Projected Contracts.

(a) Selection processes. The department will issue RFPs and select providers under the following selection processes: non-federal under §9.34 of this subchapter (relating to Non-federal Process), federal under §9.35 of this subchapter (relating to Federal Process), emergency under §9.38 of this subchapter (relating to Emergency Contract Process), and urgent and critical under §9.39 of this subchapter (relating to Urgent and Critical Process).

(b) Contract types. The department will offer three types of contracts: indefinite deliverable, specific deliverable, and multiphase.

(1) An indefinite deliverable contract may be used for a single project or for multiple projects. The RFP will describe the typical work types to be performed under the contract.

(A) Categorical limitations on contract dollar value may be established by the executive director or the executive director's designee.

(B) The contract period in which work authorizations may be issued may not be longer than four years after the date of contract execution, unless approved by the executive director [~~Texas Transportation Commission~~].

(C) Supplemental agreements may be issued to extend the contract period, but only as necessary to complete work on an existing work authorization. Except as provided by this subparagraph, the [~~The~~] contract period for contracts procured using the process provided by §9.35 of this subchapter may not extend more than five years beyond the execution date. The Professional Engineering Procurement Services (PEPS) Division Director may extend the contract period to more than five years beyond the execution date with concurrence of the Federal Highway Administration.

(2) A specific deliverable contract may be used for a single project or for multiple projects. The RFP will specify the specific deliverables to be provided under the contract.

(3) A multiphase contract may be used for a single project or for multiple projects. The RFP will describe the services to be provided under the contract and will divide the services into phases. The specific scope of work may be established, and the associated costs negotiated and authorized, by phase as the project progresses.

(c) Selection types.

(1) Single contract selection. One contract will result from the RFP.

(2) Multiple contract selection. More than one contract of similar work types will result from the RFP. The RFP will indicate the number and type of contracts.

(d) Projected contracts list. Quarterly, the department will publish on the department's website a list of projected contracts for architectural, engineering, and surveying services.

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 June 24, 2026.

TRD-202602591
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 416-2037

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43 TAC §9.43

The Texas Department of Transportation (department) proposes new §9.43 concerning the preclusion from providing architectural engineering and surveying services.

EXPLANATION OF PROPOSED AMENDMENTS AND NEW SECTION

Amendments to 43 Texas Administrative Code, Chapter 9, Subchapter C, Contracting for Architectural, Engineering, and Surveying Services, are needed to implement changes made to Government Code, §2261.260, related to the department's Policy for Private Design Professionals, by the enactment of House Bill 3989 by the 88th Texas Legislature Regular Session. The purpose of this rulemaking is to establish a policy for determining when a private design professional is precluded from performing a service for the department due to a conflict of interest or potential conflict of interest and to provide a process for a private design professional to appeal a negative determination.

New §9.43, Preclusions, establishes the procedure under which for a private design professional is precluded performing a service for the department. Subsection (a) defines a person who is subject to the requirements of these rules. Subsection (b) authorizes preclusion due to a conflict of interest or potential conflict of interest. The conflict of interest is described as one under §10.6 (related to Conflict of Interest) under this title.

The proposed new §9.43(c) Disclosure of a conflict of interest by a provider, requires the provider to disclose a known conflict of interest or potential conflict of interest. This disclosure must occur prior to the participation in a procurement or contract if the conflict of interest or potential conflict of interest is known at that time. Also, upon discovery, the provider is required to disclose a conflict of interest or potential conflict of interest when performing or will perform services on the same project or at the same location for the department and another client. This information is necessary for the department to ensure that all state contracts comply with federal and state laws and the department rules regarding entities doing business with the department.

The proposed new §9.43(d) Determination Request, establishes a procedure whereby a provider may submit a written preclusion determination request to the department prior to a solicitation, during the solicitation process, or when the provider obtains knowledge of a potential conflict of interest for a determination by the department. The department will respond within 30 days of such a request. This will allow the department to consider conflict issues in a timely manner to allow all parties to make informed decisions about participating in the solicitation and to keep the projects moving forward when issues arise after the contract is awarded.

The proposed new §9.43(e) Preclusion Determination, outlines the process the department will use to determine if a conflict exists and whether the provider should be precluded from participating in the project. In the case where the providers tasks to be performed are separate and distinct from those it will perform for another client, then no conflict exists. When a conflict exists, and no mitigating procedures can be implemented, the department may determine that a provider be precluded from the conflicting element of the department's project. If it is determined that a conflict of interest exists, the department will provide written notice to the provider of a preclusion from participation in the project, assignment, or procurement. On receipt of such a determination, the provider may propose a mitigation measure to minimize the conflict. The department will determine if a mitigation measure is appropriate and provide written notice to implement the mitigation if accepted, otherwise it will state that the provider is precluded. The department will respond within 30 days of such a request.

The new §9.43(f) Appeals, prescribes the process of appeal of a preclusion decision to the executive director's designee following the process outlined in §9.7 of this chapter (related to Protest of Contract Practices or Procedures). This is the appeal process currently being used on professional contracts and other contracts within the department.

The new §9.43(g) provides that the department will publish additional guidance such as examples on the department's webpage. This will provide entities seeking contracts with the department additional insight to what the department is identifying as conflicts to ensure that they have the information necessary to make contracting decisions.

FISCAL NOTE

Stephen Stewart, Chief Financial Officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or commission's enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Martin Rodin, Director, Professional Engineer Procurement, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

Martin Rodin has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be to prevent a provider or their employee who has a conflict of interest from participating in a procurement, assignment, or project, thus preventing an entity from fully representing the interests of the department due to competing obligations.

COSTS ON REGULATED PERSONS

Martin Rodin has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Martin Rodin has considered the requirements of Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) it would not create or eliminate a government program;

(2) its implementation would not require the creation of new employee positions or the elimination of existing employee positions;

(3) its implementation would not require an increase or decrease in future legislative appropriations to the agency;

(4) it would not require an increase or decrease in fees paid to the agency;

(5) it would not create a new regulation;

(6) it would not expand, limit, or repeal an existing regulation;

(7) it would not increase or decrease the number of individuals subject to its applicability; and

(8) it would not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

Martin Rodin has determined that a written takings impact assessment is not required under Government Code, §2007.043.

SUBMITTAL OF COMMENTS

Written comments on the proposed new §9.43, may be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Preclusion Rule" The deadline for receipt of comments is 5:00 p.m. on August 10, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who submits comments must disclose, in writing with the comments, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The new rule is proposed under Transportation Code, §201.101, which provides the commission with the authority to establish rules for the conduct of the work of the department, and more specifically, §223.041, regarding the use by the department of private sector professional services for transportation projects, Government Code, Chapter 2254, Subchapter A (Professional Services Procurement Act), which sets forth requirements for selection and contracting of architectural and engineering services, and Government Code §2261.260, which requires the department to adopt a policy for precluding private design professionals from providing services for the department.

The authority for the new rule is provided by House Bill 3989, 88th Regular Session, 2023. The primary author and the primary sponsor of that bill are Representative John Raney and Senator Carol Alvarado, respectively.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Government Code, Chapter 2254, Subchapter A (Professional Services Procurement Act), and §2261.260, and Transportation Code, §223.041.

§9.43. Preclusions.

(a) Definition. In this section, "person" means an individual or any legal entity, including a governmental entity.

(b) Conflicts of interest. If the department determines that a provider has a conflict of interest, as described in §10.6 of this title (relating to Conflict of Interest), the department may:

(1) exclude the provider from being eligible to submit a proposal under this subchapter; or

(2) prohibit the provider or the provider's employee from participating in a contract procured under this subchapter.

(c) Disclosure by a provider.

(1) Conflict of interest. Before participating in a contract for or procurement of services, a provider shall disclose to the department the existence of a conflict of interest described in §10.6 of this title.

(2) Services on same project or at same location. If a provider knows that the provider is performing or will perform any services for the department on the same project that the provider is performing or will perform services for another person or at the same location where the provider is performing or will perform services for another person, the provider shall notify the department of the service being provided for the other person before participating in a procurement for services or a contract with the department. If, after beginning participation in a procurement for services or a contract with the department, a provider discovers that the provider is performing or will perform any services described by this paragraph for another person, the provider immediately shall notify the department of the service being provided for the other person.

(d) Determination request. A provider may submit to the department a written request for a preclusion determination before an Request For Proposal (RFP) is issued, during an RFP's selection process, or when the provider discovers a potential conflict for which notice is required under subsection (c)(2) of this section. The request must contain the information specified on the determination request form provided on the department's website.

(e) Preclusion Determination.

(1) After a determination request is submitted under subsection (d) of this section, if the department determines that the services that the provider is performing or will perform for the department are distinct from the services that the provider is performing or will perform for the other person, a conflict does not exist.

(2) If the department determines that a conflict of interest exists, the department will send to the provider written notice of the preclusion from providing the services for which the conflict exists for the department. In response to such a determination, the provider may propose in writing to the department mitigating procedures that can be implemented to minimize the conflict.

(3) If the department determines that no mitigating procedures proposed by the provider can be implemented to minimize the conflict, the provider is precluded from providing the services for which the conflict exists for the department. If the department determines that mitigating procedures are acceptable, the department will send to the provider written notice of the mitigating procedures that the

provider must implement to minimize the conflict before the provider may provide or continue to provide the services for the department.

(4) The department will send written notice under this subsection not later than the 30th day after the date that the department receives a complete request for determination under subsection (d) of this section or the proposed mitigation procedures under paragraph (3) of this subsection, as applicable.

(f) Appeal of decision on preclusion determination. The executive director will designate an employee of the department who holds a senior management position to decide appeals under this subsection. The name of the designee will be provided on the determination request form described by subsection (d) of this section. To appeal a decision made under subsection (e) of this section, a provider must deliver to the executive director's designee a written notice of appeal and accompanying written documentation supporting the appeal not later than the sixth day after the date that the provider receives notice of the department's decision under subsection (e) of this section. The executive director's designee will send a written notice of the designee's decision under this subsection not later than the 10th day after the date that designee receives the appeal submission under this subsection.

(g) Additional guidance. The department will publish on the department's website additional guidance relating to preclusions, including examples of exclusion determination requests, or examples of successful mitigating 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 June 24, 2026.

TRD-202602592
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 416-2037

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CHAPTER 25. TRAFFIC OPERATIONS
SUBCHAPTER A. GENERAL

43 TAC §25.3

The Texas Department of Transportation (department) proposes the repeal of §25.3, concerning the installation of pay telephones.

EXPLANATION OF PROPOSED AMENDMENTS

Section 25.3, Installation of Pay Telephones, was adopted in 1976 and has not been amended. With the widespread use of cell phones, pay telephone usage has all but disappeared. All pay phones that were installed under this section have been removed. The department and the Texas Regulatory Efficiency Office have agreed that this section should be repealed because it is no longer necessary.

FISCAL NOTE

Stephen Stewart, Chief Financial Officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or the Texas Transportation Commission's enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

James Stevenson, Maintenance Division Director, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

James Stevenson has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be a more uniform use of traffic control devices statewide. This uniformity increases user comprehension and therefore improves safety and mobility for all users on all streets and highways open to public travel.

COSTS ON REGULATED PERSONS

James Stevenson has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

James Stevenson has considered the requirements of Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) it would not create or eliminate a government program;

(2) its implementation would not require the creation of new employee positions or the elimination of existing employee positions;

(3) its implementation would not require an increase or decrease in future legislative appropriations to the agency;

(4) it would not require an increase or decrease in fees paid to the agency;

(5) it would not create a new regulation;

(6) it would not expand, limit, or repeal an existing regulation;

(7) it would not increase or decrease the number of individuals subject to its applicability; and

(8) it would not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

James Stevenson has determined that a written takings impact assessment is not required under Government Code, §2007.043.

SUBMITTAL OF COMMENTS

Written comments on the amendments to §25.1, may be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Pay Telephones." The deadline for receipt of comments is 5:00 p.m. on August 10, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who submits comments must disclose, in writing with the comments, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

STATUTORY AUTHORITY

The repeal is proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the department.

CROSS REFERENCE TO STATUTE

None.

§25.3. Installation of Pay Telephones.

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 June 24, 2026.

TRD-202602594
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 416-3048

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CHAPTER 31. PUBLIC TRANSPORTATION

The Texas Department of Transportation (department) proposes repeal of §§31.3, 31.16, and 31.57; new §31.3 and §31.57; and amendments to §§31.30, 31.31, 31.36, 31.40, and 31.43 - 31.50, all concerning the policies and procedures followed by the department in the administration of state and federal public transportation grant funds.

EXPLANATION OF PROPOSED AMENDMENTS, REPEALS, AND ENACTMENTS

This rulemaking is necessary to respond to recent changes to federal public transportation program requirements and state grant management standards. Additionally, the Texas Regulatory Efficiency Office (TREO), in its Regulatory Efficiency Review of the department, recommended several changes to the definitions in §31.3; this rulemaking updates and streamlines the department's rules, addresses TREO's recommendations, removes obsolete program references, and amends language governing the allocation of funding for federal 5310 and 5339 grant programs.

Repeal of §31.3, Definitions, and enactment of new §31.3, Definitions, is necessary due to extensive amendments to align with federal definitions, to streamline and clarify language, and to remove outdated definitions.

Repeal of §31.16, Section 5309 Grant Program, is necessary because the department is no longer responsible for administering the Section 5309 program beginning with the Moving Ahead for Progress in the 21st Century (MAP-21) Act. Section 5309 program funds received prior to MAP-21 have been expended and all federal grants the department administers are closed.

Amendments to §31.30, Section 5339 Grant Program, update FTA Circular references and clarify that funds remaining, unobligated, or returned after the initial distribution of program funds through the established formula may be used by the department in accordance with federal requirements.

Amendments to §31.31, Section 5310 Grant Program, include clarifications, reorganization, and an update to the award process. Subsection (c) is amended to clarify the department's role and oversight responsibilities as the designated recipient for all §5310 funds. Subsection (d) is amended to update terminology and streamline the definitions of eligible subrecipients and alternate eligible subrecipients.

Subsection (e) is amended to specify that the department will determine eligible expenses for federal reimbursement and match ratios in accordance with the applicable FTA Circular and that all expenses require department concurrence. Subsection (f) is amended to remove outdated language concerning local funding requirements. It is replaced with language establishing how the department will distribute §5310 program funds in a fair and equitable manner within the state in accordance with federal requirements. To maximize efficient use of available funds and streamline the award process, the department is moving to a competitive process for awarding funds rather than a formula allocation, as permitted by FTA program guidance. With this change, the language in subsection (g) regarding the allocation formula is no longer needed and is replaced with language moved from subsection (i) regarding public outreach. Subsection (h) is amended to update and clarify application requirements. Subsections (i), (j), and (k) are deleted as the language is no longer needed under the new competitive award process.

Amendments to §31.36, Section 5311 Grant Program, update FTA Circular references.

Amendments to §31.40, Public Involvement, remove references to obsolete federal programs under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA LU).

Amendments to §31.43, Contracting Requirements, streamline language by referencing the Texas Grant Management Standards.

Amendments to §31.44, Procurement Requirements, streamline language by referencing the Texas Grant Management Standards and update regulatory references. New subsection (b)(1)(C) adds a reference to the micro-purchase requirements in the Texas Grant Management Standards. New subsection (b)(1)(D) clarifies that formal solicitations must be conducted when procuring services requiring a professional license. New subsection (c)(1)(D) requires the subrecipient to provide to the department the determination that a winning bidder is a responsible entity. Existing subsection (c)(1)(D) is redesignated as (c)(1)(E).

Throughout §31.45, Accounting and Financial Recordkeeping Requirements, §31.46, Reimbursement Procedures, §31.47, Audit and Project Close-Out Standards, and §31.49, Transportation Needs of Clients of Health and Human Service Agencies and Coordination of Services, "contractor" is replaced with "subrecipient" to clarify requirements.

Amendments to §31.48, Project Oversight, streamline language regarding the collection of transit data from subrecipients and strike references to obsolete federal programs.

Amendments to §31.50, Record Keeping and Inventory Requirements, clarify that an accurate inventory is required to be maintained for all capital assets funded in whole or in part by state or federal funding, not just vehicles.

Repeal of §31.57, Disposition, and enactment of new §31.57, Disposition, is necessary because of extensive amendments and reorganization. The section is significantly streamlined by referencing existing federal requirements for disposition of property and ensuring consistency between state and federal requirements.

FISCAL NOTE

Stephen Stewart, Chief Financial Officer, has determined, in accordance with Government Code, §2001.024(a)(4), that for each of the first five years in which the proposed rules are in effect, there will be no fiscal implications for state or local governments as a result of the department's or commission's enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Eric Gleason, Director, Public Transportation Division, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed rules and therefore, a local employment impact statement is not required under Government Code, §2001.022.

PUBLIC BENEFIT

Mr. Gleason has determined, as required by Government Code, §2001.024(a)(5), that for each year of the first five years in which the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be an updated allocation of §5310 federal funds, clearly defined disposition processes, repeal of outdated TAC language and a simplification of chapter definitions.

COSTS ON REGULATED PERSONS

Mr. Gleason has also determined, as required by Government Code, §2001.024(a)(5), that for each year of that period there are no anticipated economic costs for persons, including a state agency, special district, or local government, required to comply with the proposed rules and therefore, Government Code, §2001.0045, does not apply to this rulemaking.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, as defined by Government Code, §2006.001, and therefore, an economic impact statement and regulatory flexibility analysis are not required under Government Code, §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Gleason has considered the requirements of Government Code, §2001.0221 and anticipates that the proposed rules will have no effect on government growth. He expects that during the first five years that the rule would be in effect:

(1) the rules will not create or eliminate a government program;

(2) the rules implementation will not require the creation of new employee positions or the elimination of existing employee positions;

(3) the rules implementation will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new regulation;

(6) the rules repeal an existing regulation;

(7) the rules will not increase or decrease the number of individuals subject to its applicability; and

(8) the rules will not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

Mr. Gleason has determined that a written takings impact assessment is not required under Government Code, §2007.043.

PUBLIC HEARING

Pursuant to the Administrative Procedure Act, Government Code, Chapter 2001, the Texas Department of Transportation will conduct a public hearing to receive comments concerning the proposed rules. The public hearing will be held at 9:00 a.m. on August 6, 2026, in the Duro Canyon Hearing Room, First Floor, Stassney Headquarters, 6230 E Stassney Ln, Austin, Texas and will be conducted in accordance with the procedures specified in 43 TAC §1.5. Those desiring to make comments or presentations may register starting at 8:30 a.m. Any interested persons may appear and offer comments, either orally or in writing; however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views and identical or similar comments through a representative member when possible. Comments on the proposed text should include appropriate citations to sections, subsections, paragraphs, etc. for proper reference. Any suggestions or requests for alternative language or other revisions to the proposed text should be submitted in written form. Presentations must remain pertinent to the issues being discussed. A person may not assign a portion of his or her time to another speaker. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the General Counsel Division, 125 East 11th Street, Austin, Texas 78701-2483, (512) 463-8630 at least five working days before the date of the hearing so that appropriate services can be provided.

SUBMITTAL OF COMMENTS

Written comments on the repeal of §§31.3, 31.16, and 31.57; new §31.3 and §31.57; and amendments to §§31.30, 31.31, 31.36, 31.40, and 31.43 - 31.50, may be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "*Texas Administrative Code, Chapter 31*". The deadline for receipt of

comments is 5:00 p.m. on August 10, 2026. In accordance with Transportation Code, §201.811(a)(5), a person who submits comments must disclose, in writing with the comments, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

SUBCHAPTER A. GENERAL

43 TAC §31.3

STATUTORY AUTHORITY

The repeal is proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §456.022, which authorizes the commission to adopt rules necessary to allocate state funding among eligible public transportation providers and §455.002, authorizing the department to receive grants from a governmental source for use in performing the department's public transportation functions.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapters 455 and 456

§31.3. Definitions.

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 June 24, 2026.

TRD-202602595
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 486-5997

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43 TAC §31.3

STATUTORY AUTHORITY

The new section is proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §456.022, which authorizes the commission to adopt rules necessary to allocate state funding among eligible public transportation providers and §455.002, authorizing the department to receive grants from a governmental source for use in performing the department's public transportation functions.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapters 455 and 456

§31.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Allocation--A preliminary distribution of grant funds representing the maximum amount to be made available to an entity during the fiscal year, subject to the entity's completion of and compliance with all application requirements, rules, and regulations applicable to the specific funding program.

(2) Authority--A metropolitan transit or regional transportation authority created under Transportation Code, Chapter 451 or 452; a city transit department created under Transportation Code, Chapter 453, by a municipality having a population of not less than 200,000 at the time of its creation; or a coordinated county authority created under Transportation Code, Chapter 460. Commission--The Texas Transportation Commission.

(3) Department--The Texas Department of Transportation.

(4) Designated recipient--Has the meaning assigned by 49 U.S.C. §5302.

(5) Director--The director of the Public Transportation Division.

(6) Equipment--Has the meaning assigned by 49 CFR §625.5.

(7) Executive director--The executive director of the department.

(8) FTA--The Federal Transit Administration of the United States Department of Transportation.

(9) Fiscal year--The State's fiscal year.

(10) Large urban transit district--A local governmental entity or political subdivision of the state that provides and coordinates public transportation within an urbanized area with a population greater than or equal to 200,000 in accordance with Transportation Code, Chapter 458. The term includes urban transportation providers under Transportation Code, Chapter 456, that received state money through the department on September 1, 1994. The term does not include an authority.

(11) Metropolitan Planning Organization (MPO)--Has the meaning assigned by 23 U.S.C. §134.

(12) Nonprofit organization--Has the meaning assigned by the latest edition of FTA Circular 5010.1.

(13) Public transportation--Has the meaning assigned by the latest edition of FTA Circular 5010.1.

(14) Real property--Has the meaning assigned by the latest edition of FTA Circular 5010.1.

(15) Ridership--The number of passengers who board public transportation vehicles. A passenger is counted each time the passenger boards a vehicle even though the passenger might be on the same journey.

(16) Rural area--Has the meaning assigned by the latest edition of FTA Circular 5010.1.

(17) Rural transit district--Has the meaning assigned by Transportation Code, §458.001.

(18) Senior--Has the meaning assigned by 49 U.S.C. §5302.

(19) Small urban transit district--A local governmental entity or political subdivision of the state that provides and coordinates public transportation within an urbanized area with a population less than 200,000 in accordance with Transportation Code, Chapter 458. The term includes urban transportation providers under Transportation

Code, Chapter 456, that received state money through the department on September 1, 1994. The term does not include an authority.

(20) Subrecipient--An entity that receives state or federal transportation funding from or through the department, rather than directly from FTA or another funding source.

(21) Urban transit district--A local governmental entity or political subdivision of the state that provides and coordinates public transportation within an urbanized area in accordance with Transportation Code, Chapter 458. An urban transit district is either small or large, as defined in this Section.

(22) Urbanized area--Has the meaning assigned by 49 CFR §673.5.

(23) U.S. DOT--United States Department of Transportation

(24) Vehicle miles--The miles a vehicle travels while in revenue service, plus deadhead miles. This definition excludes miles a vehicle travels for charter service, school bus service, operator training, or maintenance testing.

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 June 24, 2026.

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Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Earliest possible date of adoption: August 9, 2026
For further information, please call: (512) 486-5997

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SUBCHAPTER C. FEDERAL PROGRAMS

43 TAC §31.16

STATUTORY AUTHORITY

The repeal is proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §456.022, which authorizes the commission to adopt rules necessary to allocate state funding among eligible public transportation providers and §455.002, authorizing the department to receive grants from a governmental source for use in performing the department's public transportation functions.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapters 455 and 456

§31.16. Section 5309 Grant 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.

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Becky Blewett
Deputy General Counsel
Texas Department of Transportation
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For further information, please call: (512) 486-5997

♦ ♦ ♦

43 TAC §§31.30, 31.31, 31.36

STATUTORY AUTHORITY

The amendments are proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §456.022, which authorizes the commission to adopt rules necessary to allocate state funding among eligible public transportation providers and §455.002, authorizing the department to receive grants from a governmental source for use in performing the department's public transportation functions.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapters 455 and 456

§31.30. Section 5339 Grant Program.

(a) Purpose. Title 49 U.S.C. §5339 authorizes the Secretary of the U.S. DOT to make grants for bus and bus facilities.

(b) Eligible recipients. Section 5339 funds are available to states and local public entities.

(c) Department role. The department acts as the designated recipient for §5339 grants to §5307 transit districts in small urbanized areas and §5311 rural transit districts.

(d) Small urban transit districts. The department will:

(1) allocate the available program funds so that each eligible recipient will receive a proportional share of available funding based on the [~~total~~] vehicle miles reported to the department on an annual basis with no eligible recipient receiving less than one percent of the amount available;

(2) notify the FTA of the results of the allocation calculations;

(3) notify the small urban transit districts of the results of the allocation calculations; and

(4) authorize the small urban transit districts to apply directly with the FTA for the funds, due to their status as direct recipients under the FTA §5307 program.

(e) Rural transit districts. The department will:

(1) allocate the available program funds so that each eligible subrecipient will receive a proportional share of available funding based on the [~~total~~] vehicle miles reported to the department on an annual basis with no eligible subrecipient receiving less than one percent of the amount available;

(2) develop application materials and disseminate information to eligible subrecipients;

(3) prepare the state's funding application and submit the application to the FTA for approval;

(4) negotiate and execute contracts with subrecipients;

(5) prepare requests for federal reimbursement and process payment requests from subrecipients;

(6) monitor and evaluate the progress of local projects, including compliance with federal regulations; and

(7) provide technical assistance to subrecipients as necessary.

(f) Eligible assistance categories. Eligible projects are those listed in FTA Circular 9040.1H [~~5100.1~~] or its latest version.

(g) Link to asset management plan. At such time as the department implements the requirement of a transit asset management plan, recipient or subrecipient projects must be linked to the asset management plan required by §31.51 of this chapter (relating to Asset Management) and 49 U.S.C. §5326.

(h) Reimbursement rates. For reimbursement:

(1) federal funds may be used to defray up to 80 percent of the cost of eligible capital expenditures;

(2) the federal share may increase to up to 85 percent of the net project cost for a project that involves acquiring vehicles for the purpose of complying with the Americans with Disabilities Act or the Clean Air Act; and

(3) the federal share may increase to up to 90 percent for incremental costs related to compliance with the Clean Air Act in areas of air quality non-attainment or with the Americans with Disabilities Act.

(i) Local share requirements. The non-federal share may be provided by:

(1) cash from state or local governments;

(2) cash from non-government sources other than revenues from providing public transportation services;

(3) revenues from the sale of advertising and concessions;

(4) an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

(5) service agreements with a state, local, or private social service organization; or

(6) transportation development credits.

(j) Returned funds. After the initial distribution of program funds through the established formula, any remaining, unobligated, or returned funds may be awarded by the department on a discretionary basis consistent with program objectives, in accordance with federal requirements.

§31.31. Section 5310 Grant Program.

(a) Purpose. Title 49 U.S.C. §5310 authorizes the Secretary of the U.S. DOT to make grants for the provision of transportation services meeting the special needs of seniors and individuals with disabilities. The governor has designated the department to administer the §5310 program.

(b) Goal and objectives. The department's goal in administering the §5310 program is to promote the availability of cost-effective, efficient, and coordinated passenger transportation services planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable, using the most efficient combination of financial and other resources. To achieve this goal, the department's objectives are to:

(1) promote the development and maintenance of a network of transportation services for seniors and individuals with disabilities throughout the state, in partnership with local stakeholders;

(2) fully integrate the §5310 program with other federal, state, and local resources and programs that are designed to serve similar populations;

(3) promote public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA);

(4) promote public transportation projects that decrease the reliance of individuals with disabilities on ADA complementary paratransit services;

(5) promote and encourage local participation, especially by seniors and individuals with disabilities or their advocates, in decision-making;

(6) improve the efficiency, effectiveness, and safety of §5310 transit systems through the provision of technical assistance; and

(7) include private sector operators in the overall plan to provide transportation services for seniors and individuals with disabilities.

(c) Department role.

[~~(1)~~] The department acts as the designated recipient for all §5310 funds appropriated to the state and has oversight responsibility.[~~:~~]

[~~(A) a rural area;~~]

[~~(B) an urbanized area with less than 200,000 population; and~~]

[~~(C) an urbanized area with a population of 200,000 or more, on request of the metropolitan planning organization of the urbanized area and concurrence by the commission~~].

[~~(2)~~] The department, however, recognizes the subrecipients as partners who shall retain control of daily operations. As the administering agency, the department will:

(1) [~~(A)~~] develop application materials and disseminate information to [~~prospective applicants and other~~] interested parties;

(2) [~~(B)~~] develop evaluation criteria and select projects for funding[~~, with input from local entities and local individuals, in accordance with the standards set forth in subsection (i) of this section~~];

(3) [~~(C)~~] prepare the state's annual program of projects and funding application and submit that material to the FTA for approval;

[~~(3) Failure to expend funds in a timely manner may cause the department to terminate the grant and re-award the unobligated balance to another project.~~]

(4) [~~(D)~~] negotiate and execute contracts with local §5310 subrecipients [~~recipients~~];

(5) [~~(E)~~] prepare requests for federal reimbursement and process payment requests from §5310 subrecipients [~~recipients~~];

(6) [~~(F)~~] monitor and evaluate the progress of ongoing transportation operations, including compliance with federal regulations and coordination of services; and

(7) [~~(G)~~] provide technical assistance to §5310 subrecipients [~~recipients~~] to aid them in improving and coordinating transit services.

(d) Eligible subrecipients [~~recipients~~].

(1) Eligible subrecipients include [~~existing~~] rural transit districts and urban transit districts serving a population of less than 200,000.[~~,~~] Additional eligible entities include local public entities,

private non-profit organizations, and state and local government authorities[, and other transit service providers] that coordinate services for seniors and individuals with disabilities[, or private taxi companies that provide shared-ride taxi service to the public or to special categories of users (such as seniors or individuals with disabilities) are eligible recipients of funds].

(2) For an area included in a rural or urban transit district's service area for which the existing transit district is not willing or able to provide the transportation, the director may choose an alternate eligible subrecipient [a local public entity or a private organization as a] to receive §5310 funds. [Private taxi companies that provide shared-ride taxi service to the public or to special categories of users (such as seniors or individuals with disabilities) on a regular basis are also eligible recipients.] Any subrecipients [recipients] that is not a transit district shall coordinate §5310 service with the existing transit district to ensure service is complementary to and not competitive with existing services.

[(3) If the department is the designated recipient for an urbanized area with 200,000 population or more, a recipient for that area will be selected from local transportation providers who are transit authorities or eligible alternate recipients under this program.]

(e) Eligible expenses [assistance categories]. The department will determine [following categories of expenses are] eligible expenses for federal reimbursement and match ratios in accordance with the FTA Circular 9070.1H or its most current version. All expenses require department concurrence [under the §5310 program].

[(1) State administrative expenses. The department may use up to 10 percent of the annual federal program apportionment to defray its expenses incurred for the administration of the §5310 program. State administrative expenses do not require a non-federal match.]

[(2) Capital expenses.]

[(A) With department concurrence, eligible items include:]

[(i) buses;]

[(ii) vans or other smaller accessible vehicles;]

[(iii) the acquisition of transportation services under a contract, lease, or other arrangement;]

[(iv) mobility management;]

[(v) curb cuts, sidewalks, pedestrian signals or other accessible features;]

[(vi) radios and communication equipment;]

[(vii) vehicle shelters;]

[(viii) lifts, ramps, and securement devices;]

[(ix) vehicle rehabilitation, remanufacture, or overhaul;]

[(x) computer hardware and software;]

[(xi) initial component installation costs;]

[(xii) vehicle procurement, testing, inspection, and acceptance costs;]

[(xiii) vehicle extended warranties that do not exceed industry standards;]

[(xiv) the lease of equipment, provided that the local recipient determines a lease is more cost effective than the purchase of equipment after considering management efficiency, availability of equipment, staffing capabilities, and guidelines on capital leases as contained in 49 C.F.R. Part 639;]

[(xv) transit-related intelligent transportation systems;]

[(xvi) the introduction of new technology, through innovative and improved products, into mass transportation; and]

[(xvii) the acquisition of preventive maintenance services and vehicle parts associated with preventive maintenance services.]

[(B) For reimbursement:]

[(i) federal funds may be used to defray up to 80 percent of the cost of eligible capital expenditures;]

[(ii) the federal share may increase to up to 85 percent of the net project cost for a project that involves acquiring vehicles for the purpose of complying with the Americans with Disabilities Act or the Clean Air Act; and]

[(iii) the federal share may increase to up to 90 percent for incremental costs related to compliance with the Clean Air Act in areas of air quality non-attainment or with the Americans with Disabilities Act.]

[(3) Operating expenses.]

[(A) Operating expenses are costs that are directly tied to systems operations, such as costs for fuel, oil, and replacement parts, and driver, mechanic, and dispatcher salaries.]

[(B) Operating expenses may be reimbursed at 50 percent of net operating expense.]

(f) Allocation of funds. As part of its administration of the §5310 program, the department is charged with ensuring that there is a fair and equitable distribution of funds within the state. After receipt of annual §5310 program apportionment totals, the department will allocate §5310 funds in accordance with this subsection:

(1) State administration. The department will use not more than 10 percent of the annual federal apportionment to pay its expenses in administering §5310 program.

(2) Subrecipient Allocation. Aside from funds allocated under paragraph (1), the commission will allocate the annual federal apportionment to selected projects from a call for projects, in accordance with applicable federal requirements.

(3) On completion of project selection, if any portion of the allocation is not needed, the commission or the executive director may distribute the balances, as appropriate, to satisfy unmet needs of the state. This action may require the department to transfer funds, at the state level, between urbanized and rural areas, in accordance with federal requirements.

(4) Residual funds. The department may distribute any unspent funds from prior awards, as appropriate, to address unmet statewide needs, in accordance with federal requirements.

[(f) Local share requirements.]

[(1) Eligible sources to satisfy local share requirements may be derived from the following:]

[(A) an undistributed cash surplus, or a replacement or depreciation cash fund or reserve;]

[(B) a service agreement with a state or local social service or workforce agency, or a private social service organization;]

[(C) amounts appropriated or otherwise made available to a U.S. department or agency that are eligible to be expended for transportation;]

[(D) funds to carry out the federal lands highways program established by 23 U.S.C. §204;]

[(E) funds available under §403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. §603(a)(5)(C)(vii));]

[(F) in-kind contributions, volunteer services, and donations attributable to the project if the value is documented and previously approved by the department; or]

[(G) transportation development credits, with prior department approval.]

[(2) Funds from any other U.S.DOT program are not eligible for use as local matching funds.]

(g) Public outreach. The department will convene public outreach processes to engage local stakeholder groups to obtain input on local transportation needs and priorities. In an effort to streamline decision-making processes and maximize coordination opportunities, the department may choose to combine contiguous department districts for stakeholder engagement, project selection, and public outreach.

[(g) Funding distribution. After the state administrative expenses described in subsection (e)(1) of this section are set aside, funds will be allocated on a formula basis as provided by this subsection.]

[(1) For urbanized areas with a population less than 200,000, 25 percent of the available funds will be allocated equally, using department district boundaries of the districts that include such an area. To allocate the remaining 75 percent, the department will:]

[(A) calculate the population of seniors and individuals with disabilities in each of those urbanized areas using the latest census figures available from the United States Census Bureau; and]

[(B) divide each urbanized area's population of seniors and individuals with disabilities, as determined under subparagraph (A) of this paragraph, by the state's total population for urbanized areas with less than 200,000 population to determine that urbanized area's formula allocation.]

[(2) For rural areas, 25 percent of the available funds will be allocated equally, using department district boundaries of the districts that include such an area. To allocate the remaining 75 percent, the department will:]

[(A) calculate the population of seniors and individuals with disabilities in each department district using the latest census figures for counties available from the United States Census Bureau; and]

[(B) divide each department district's subtotal of the population of seniors and individuals with disabilities, as determined under subparagraph (A) of this paragraph, by the state total of that population in rural areas to determine the district's formula allocation.]

[(3) For urbanized areas with 200,000 population or more for which the department is the designated recipient, funds will be allocated to the respective urbanized area based on the federal apportionment as published in the *Federal Register*.]

[(4) Residual funds.]

[(A) Urbanized areas with populations of less than 200,000 and rural areas. On completion of the project selection procedures described in subsection (i) of this section, if any portion of the allocation described in paragraph (1) or (2) of this subsection is not needed, the commission or the executive director may distribute the balances, as appropriate, to satisfy unmet needs in other areas of the state. This action may require the department to transfer funds, at the state level, between urbanized and rural areas to fully obligate the state's apportionment.]

[(B) Urbanized areas with populations of 200,000 or more. On completion of the project selection procedures described in subsection (i) of this section, any unallocated funds for urbanized areas with populations of 200,000 or more will remain in that urbanized area until allocated at a future date.]

(h) Application [requirements]. Prior to receiving funds, a subrecipient must complete and comply with all application requirements, rules, and regulations applicable to the §5310 program. A complete application must be submitted by a specified time and in a form prescribed by the department. [A prospective applicant must submit an application for §5310 grant funds at the time specified by the department.] The application must demonstrate [document] the need and demand for passenger transportation services for seniors and individuals with disabilities, and also must document inclusion of the project in the local coordinated public transit-human service transportation plan.

[(i) Project selection. To select projects, the department will consult with all local parties, including metropolitan planning organizations, and follow the procedures set out in this subsection.]

[(1) The department will establish public outreach processes involving local stakeholders. In an effort to streamline decision-making processes and maximize coordination opportunities, the department may choose to combine contiguous department district boundaries for stakeholder engagement, project selection, and public outreach. The stakeholder groups should include representatives of the following groups, further defined in FTA Circular 9070.1G, or its latest version:]

[(A) transportation partners;]

[(B) passengers and advocates;]

[(C) human service and work force agencies; and]

[(D) others, such as emergency management agencies.]

[(2) In recommending projects, the department will consider the program goals and objectives set forth in subsection (b) of this section and consider projects that:]

[(A) leverage existing resources and promote innovation;]

[(B) are the only public transportation option for the proposed service area;]

[(C) are sustainable over time;]

[(D) demonstrate efficient use of resources;]

[(E) involve partnerships that include organizations; or]

[(F) provide service continuity.]

[(3) At least 55 percent of the funds allocated by district boundaries or combination of district boundaries shall be used for capital expenses.]

[(4) Not more than 45 percent of the funds allocated by district boundaries or combination of district boundaries may be used for operating expenses. This cap applies to both urbanized areas and rural areas, respectively.]

[(5) The requirements of this subparagraph apply to all projects recommended for funding.]

[(A) There must be a demonstrated need for any capital purchases. Examples of items that may be used to demonstrate need include a needs assessment that documents the demand for new services, a vehicle inventory that establishes the need for replacement of older equipment, dispatcher logs that document requests for service that cannot be met with existing equipment, and purchase of service contracts that substantiate the need for additional vehicles.]

[(B) The proposed applicant must be able to demonstrate its financial and managerial capability to carry out the project. Examples of items that may be used to demonstrate the capability include audited financial statements and review letters from grantor agencies.]

[(C) Consideration should be given to the applicant's past efforts to coordinate services and related activities with other local entities. Examples showing those efforts include contracts that outline purchase of service agreements, shared maintenance or dispatching functions, and joint training initiatives.]

[(D) There should be evidence of local support for the proposal. Examples of that evidence include resolutions by local governing bodies and endorsement letters from other organizations or individuals.]

[(E) The project must be included in the coordinated public transit-human service transportation plan.]

[(6) Based on stakeholder input, department personnel assigned to cover district areas will rank projects in priority order.]

[(7) On receipt of the applications recommended for funding, the director, or the director's designee, will review all funding requests for completeness and compliance with all statutory and program administrative requirements. Following commission approval, the department will negotiate a contract with the selected local entities and organizations to implement the projects selected for funding.]

[(j) Vehicle leasing. Vehicles acquired under the §5310 program may be leased to other entities, such as local public entities or agencies, other private nonprofit agencies, or private for-profit operators. The lessee shall operate the vehicles on behalf of the §5310 recipient and provide the transportation services as described in the original grant application.]

[(k) Incidental vehicle use. A vehicle that is purchased with §5310 funds may be used for incidental uses that do not conflict with the primary use of the vehicle to provide transportation services for seniors and individuals with disabilities. Examples of permissible incidental uses are allowing riders who are neither senior nor an individual with a disability to occupy vacant seats, delivering meals, or using the vehicle for other public transportation activities when it is not required for seniors or individuals with disabilities project purposes. The vehicle shall not be altered in any way to accommodate incidental use.]

[(l) Private for-profit transportation business participation. Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the §5310 program as contractors. Exclusive-ride taxi companies may receive §5310 funds to purchase accessible taxis under contract with an eligible subrecipient.]

§31.36. Section 5311 Grant Program.

(a) Purpose. Section 5311, Federal Transit Act (49 U.S.C. §5311), authorizes the Secretary of the U.S. DOT to make grants for public transportation projects in rural areas. The department has been designated by the governor to administer the §5311 program.

(b) Goal and objectives. The department's goal in administering the §5311 program is to promote the availability of cost-effective, efficient, and coordinated passenger transportation services to the general public in rural areas using the most efficient combination of financial and other resources. To achieve this goal, the objectives of the department are to:

(1) promote the development and maintenance of a network of general public transportation services, including intercity services, in rural areas throughout the state, in partnership with local officials;

(2) fully integrate the §5311 program with other federal, state, and local resources that are designed to serve rural populations;

(3) improve the efficiency, effectiveness, and safety of §5311 systems through the provision of technical assistance;

(4) include private sector operators in the overall plan to provide public transportation services; and

(5) minimize negative impacts from changes in public transportation district boundaries.

(c) Department role. The department acts as the designated recipient for all §5311 funds apportioned to the state and has an oversight responsibility for all rural transit services within the state. The department, however, recognizes the subrecipients as partners who shall retain control of daily operations. As the administering agency, the department will:

(1) develop application materials and disseminate information to prospective applicants and other interested parties;

(2) allocate the available program funds in a fair and equitable manner as described in subsection (f) of this section (the department will not provide §5311 funds to more than one transit system in a geographical area);

(3) develop evaluation criteria and select projects for funding;

(4) prepare the state's annual program of projects and funding application and submit that material to the FTA for approval;

(5) negotiate and execute contracts with local §5311 subrecipients;

(6) prepare requests for federal reimbursement, and process payment requests from §5311 subrecipients;

(7) monitor and evaluate the progress of ongoing transportation operations, including compliance with federal regulations; and

(8) provide technical assistance to §5311 subrecipients to aid them in improving transit services.

(d) Eligible subrecipients. State agencies, local public entities, private nonprofit organizations, Native American tribes and organizations, and operators of public transportation services are eligible to receive §5311 funds through the department. Private for-profit operators of public transportation services may participate in the program through contracts with eligible subrecipients. An entity must be a rural transit district to receive §5311 funds except that private for-profit operators of public transportation services and entities that are not rural transit districts are eligible to receive §5311 funds through the department under the intercity bus program, as set forth in subsections (f)(2) and (h) of this section.

(e) Eligible expenses. The department will follow FTA Circular 9040.1H [9040.1G], or its latest version, to determine eligible §5311 program expenses.

(f) Allocation of funds. As part of its administration of the §5311 program, the department is charged with ensuring that there is a fair and equitable distribution of funds within the state (FTA Circular 9040.1H [~~9040.1G~~] or its latest version). After receipt of annual §5311 program apportionment totals, the department will allocate §5311 funds in the following manner and order.

(1) State Administration. The department will use not more than 10 percent of the annual federal apportionment to defray its expenses incurred for the administration of the §5311 program.

(2) Intercity bus allocation. Unless the chief executive officer of the state or the executive officer's authorized designee certifies to the Secretary of the U.S. DOT that the intercity bus service needs of the state are being adequately met, the department will allocate not less than 15 percent of the annual §5311 federal apportionment for the development and support of intercity bus transportation facilities and services providing access and connections to rural areas. If it is determined that all or a portion of the set-aside monies is not required for intercity bus service, those funds will be applied to the formula apportionment process described in paragraph (4) of this subsection. Procedures for determining if a certification of adequacy is warranted are as follows.

(A) The department will review all data on intercity bus service availability, including outstanding requests from intercity operators and rural transit districts, and levels of service.

(B) The department will consult with affected intercity bus service providers and rural transit districts.

(C) Based on the findings of subparagraphs (A) and (B) of this paragraph, the commission, the governor or the governor's authorized designee may certify to the adequacy of intercity bus service.

(3) Discretionary allocation. After the allocation of funds under paragraphs (1) and (2) of this subsection, up to 10 percent of the remaining funds will be available to the commission for award at any time during the fiscal year on a pro rata basis, competitively, a combination of both pro rata basis and competitively, or as a one-time award. Funds may be used to address rural transit district service and capital development needs, changes in transit district boundaries, unforeseen funding anomalies, emergency services response and recovery needs, changes in economic conditions or availability of assets significantly impacting current year operational expenses, or other needs as determined by the commission.

(4) Rural Transit District Total Allocation. Excluding the amounts allocated under paragraphs (1), (2), and (3) of this subsection, the commission will allocate to rural transit districts in accordance with this paragraph the balance of the annual §5311 federal apportionment and any program funds that were available for award in the previous fiscal year under paragraph (3) of this subsection but not awarded.

(A) Subrecipients will receive a baseline allocation. The amount of a subrecipient's baseline allocation is the amount of §5311 funds that the subrecipient received for federal Fiscal Year 2021 and will not be reduced by the performance adjustment under paragraph (5) of this subsection.

(B) Each rural transit district will receive a subrecipient growth allocation amount based on proportional share using the following criteria:

(i) population of the district - 50 percent;

(ii) land area of the district - 25 percent;

(iii) [~~total~~] vehicle miles in the district - 15 percent; and

(iv) number of low-income individuals residing in the district - 10 percent.

(C) For the purposes of subparagraph (B)(i) of this paragraph, population is determined using the most recent federal decennial census except that beginning September 1, 2027, the director may choose to use population information from the Texas Demographic Center for periods between the publication of federal decennial census information.

(5) Performance Adjustment. The total allocation computed for a rural transit district under paragraph (4) of this subsection is subject to adjustment for performance in accordance with this paragraph, except as provided by subparagraph (A) of that paragraph.

(A) The performance measures used for performance adjustments under this paragraph are:

(i) the rural transit district's ridership increasing by two percent or more; and

(ii) the district's operating costs per [~~total~~] vehicle hour [~~hours~~] not exceeding the annual average of those costs for the district, plus one standard deviation, computed over a 10-year period but excluding any year in which a federal major disaster declaration was applicable to the district.

(B) For each performance measure not achieved, a rural transit district's total allocation will be reduced by five percent.

(C) A rural transit district that achieves both performance measures will receive an additional allocation amount computed by dividing the total amount of reductions for all under subparagraph (B) of this paragraph by the total number of rural transit districts that achieve both performance measures.

(D) The director, in any year, may waive the application of the performance adjustment under this paragraph to a rural transit district or a group of rural transit districts based on unique conditions that negatively affect the performance of the district or group, including natural disaster, pandemic, or another event that specifically affects the service level of the district or group.

(6) Census Adjustment.

(A) If part of a transit district's service area is changed due to declaration by the United States Census Bureau or the service area is otherwise altered, the department and that subrecipient shall negotiate an appropriate adjustment in the funding year or any subsequent year, using population and land area factors.

(B) If a previously designated urbanized area is declared rural by the United States Census Bureau, a public transportation subrecipient serving that area must apply for funds in accordance with paragraph (7) of this subsection.

(7) Application and contract. Prior to receiving funds a subrecipient must complete and comply with all application requirements, rules, and regulations applicable to the §5311 program. A completed application must be submitted, in a form prescribed by the department, and document the need and demand for general public passenger transportation services. A contract shall be for no less than 12 months unless authorized by the department.

(8) Review of Allocation Provisions. Prior to allocating §5311 funds for FY 2028, the department will review the allocations of §5311 funds for the preceding five fiscal years to determine whether paragraphs (1) - (5) of this subsection need to be adjusted for the fair and equitable distribution of those funds for FY 2028.

(g) Program of projects. All projects for a fiscal year will be identified in accordance with the allocation rules included in subsection (f) of this section. After commission approval of the allocation, these projects will be submitted to the FTA as the annual program of projects for the fiscal year.

(h) Intercity bus program solicitations. For funding from allocations made under subsection (f)(2) of this section, request for proposals will be issued for projects complying with FTA definitions of intercity bus transportation. To ensure a balanced investment in access and connectivity to intercity bus travel, the department may establish investment targets among eligible applicant groups or project types prior to solicitation of project proposals.

(i) Federal emergency relief funds. If federal emergency relief funds are apportioned to the department through the §5311 program, the commission will distribute those funds in a manner consistent with relief funding objectives.

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

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Becky Blewett
Deputy General Counsel
Texas Department of Transportation
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SUBCHAPTER D. PROGRAM ADMINISTRATION

43 TAC §§31.40, 31.43 - 31.49

STATUTORY AUTHORITY

The amendments are proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §456.022, which authorizes the commission to adopt rules necessary to allocate state funding among eligible public transportation providers and §455.002, authorizing the department to receive grants from a governmental source for use in performing the department's public transportation functions.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapters 455 and 456

§31.40. Public Involvement.

Recipients of state and federal public transportation funds through the department, as applicable, shall:

(1) satisfy the certification requirements of 49 U.S.C. §5310(e)(2)(A)--Project Selection and Plan Development, Enhanced Mobility of Seniors and Individuals with Disabilities Program; and]

(2) [~~satisfy the certification requirements of 49 U.S.C. §5316(g)(3)(B)--Project Selection and Planning, Job Access and Reverse Commute Program, as governed by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);~~]

[~~(3) satisfy the certification requirements of 49 U.S.C. §5317(f)(3)(B)--Project Selection and Planning, New Freedom Program, as governed by SAFETEA-LU; and~~]

[~~(4)~~] provide the annual FTA certifications and assurances.

§31.43. Contracting Requirements.

(a) Purpose. This section describes contracting standards and related requirements for recipients of state and federal public transportation grant funds.

(b) Standards. The standards contained in 2 C.F.R. Part 200 and Part 1201, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards apply to public transportation contracting activities. The department will monitor subrecipient compliance with those standards.

(c) Subcontracts. Subrecipients shall furnish to the department notice of the intent to award a purchase order or contract to any individuals or organizations not a part of the subrecipient's organization when awarded as a result of [~~the amount of the purchase meets or exceeds the threshold level in the Government Code or Local Government Code (or greater than $25,000 for those entities not covered by the Government Code or Local Government Code) requiring~~] formal competitive procurement as required by the Texas Grant Management Standards. Purchases shall not be split out to stay below the threshold amount. No subcontract will relieve the subrecipient of the subrecipient's legal responsibilities to the department.

§31.44. Procurement Requirements.

(a) Purpose. This section describes procurement standards and related requirements for recipients of state and federal public transportation grant funds.

(b) Standards. The standards contained in 2 C.F.R. Part 200 and Part 1201, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, apply to public transportation procurement activities. All subrecipients shall maintain written procurement policies. Those policies shall, at a minimum, provide the following.

(1) Goods, services and equipment purchases.

(A) Goods, services, or equipment requiring formal competitive procurement in accordance with the Texas Grant Management Standards [~~in accordance with the applicable provisions in the Government Code or Local Government Code (greater than $25,000 for those entities not covered by the Government Code or Local Government Code) shall~~] require sealed bids or proposals. [~~Bids for computer and radio systems shall include all subcomponents necessary for the system to be operated in the unit cost. Exceptions will be allowed for those entities that are eligible to purchase items through the state open contract procedures.~~]

(B) Goods, services, or equipment not requiring formal competitive procurement require prices or rate quotations from an adequate number of qualified entities in accordance with the Texas Grant Management Standards [~~in accordance with the applicable provisions in the Government Code or Local Government Code ($25,000 or less for those entities not covered by the Government Code or Local Government Code) do require the solicitation of quotes or offers from at least three sources~~].

(C) Purchases of goods, services, or equipment within the micro-purchase threshold of the Texas Grant Management Standards may be awarded without soliciting prices or rate quotations, in accordance with the requirements of those standards.

(D) Formal solicitations must be conducted when procuring services requiring a professional license.

(2) Real property.

(A) Acquisition of real property shall be accomplished in accordance with federal and state statutes, regulations, and policies. In particular, projects that receive federal funds shall comply with the uniform relocation and real property acquisition standards established in 49 C.F.R. Part 24 [~~25~~].

(B) Specific standards for construction and rehabilitation projects will be negotiated as part of the project agreement between the department and the subrecipient.

(3) Records retention. All procurement documents are public information and shall be maintained by the subrecipient for at least three years after grant closeout, or, in the case of a capital project, the life of the asset plus three years.

(c) Department role.

(1) Oversight and concurrence [~~approval~~]. The subrecipient shall furnish the department notice of the intent to award a purchase order or contract to any individuals or organizations not a part of the subrecipient's organization when awarded as a result of [~~the amount of the purchase meets or exceeds the threshold level of the in the Government Code or Local Government Code (or greater than $25,000 for those entities not covered by the Government Code or Local Government Code) requiring~~] formal competitive procurement as required by the Texas Grant Management Standards. Purchases shall not be split out to stay below the threshold amount. The subrecipient shall at a minimum provide the following documentation as requested by the department describing the procurement history:

(A) the rationale the subrecipient used for the method of procurement;

(B) the rationale the subrecipient used for the selection of contract type;

(C) the justification for selecting the bidder or proposer; [~~the reasons the bidder or proposer was selected; and~~]

(D) the determination of the bidder's status as a responsible entity prior to awarding the contract; and

(E) [~~(D)~~] the methodology used to determine the contract price, including a cost justification.

(2) Technical assistance. The department will provide vehicle specifications, guidance on competitive procurement procedures, and assistance in developing procurement documentation to a subrecipient upon request. If subrecipients choose to develop their own specifications, they assume full responsibility for ensuring that the specifications do not restrict competition.

§31.45. Accounting and Financial Recordkeeping Requirements.

(a) Purpose. This section describes accounting and financial recordkeeping standards and related requirements for recipients of state and federal public transportation grant funds.

(b) Standards. The subrecipient's [~~contractor's~~] financial management system shall meet or exceed the requirements of 2 C.F.R. Part 200 and Part 1201, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Those requirements include:

(1) accurate, current, and complete disclosure of the financial transactions of each grant program in accordance with state and federal reporting requirements;

(2) records that identify adequately the source and application of funds for grant-supported activities (records shall contain information pertaining to grant awards and authorization, obligations, commitments, assets, liabilities, outlays, and income);

(3) effective control over and accountability for all funds, property, and other assets (the recipient shall adequately safeguard all assets and shall assure that they are used solely for authorized purposes);

(4) comparison of actual with budgeted amounts for each contract, and relation of financial information to performance or productivity data, including the production of unit cost information;

(5) procedures for determining the eligibility for reimbursement and proper allocation of cost;

(6) accounting records that are supported by source documentation; and

(7) a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

§31.46. Reimbursement Procedures.

(a) Purpose. This section describes reimbursement procedures for recipients of state and federal public transportation grant funds.

(b) Subrecipient [~~Contractor~~] responsibilities. Unless the department provides written authorization to the contrary, the subrecipient [~~contractor~~] shall:

(1) submit reimbursement requests in a timely fashion, with all supporting documentation as required by the department and specified in the project agreement;

(2) submit a final project billing within 45 days of the termination date specified in the project agreement; and

(3) make payments promptly to subcontractors and suppliers, and failure to do so shall be grounds for termination of the grant contract by the department. The [~~(the~~] department shall not be responsible for the debts of the subrecipient [~~contractor)~~].

(c) Department responsibilities. The department will reimburse subrecipients [~~contractors~~] within 30 days of the receipt of properly prepared and documented requests for payment. Payment is contingent upon the availability of federal and state appropriated funds.

§31.47. Audit and Project Close-Out Standards.

(a) Purpose. This section describes audit and close-out requirements for recipients of state and federal public transportation grant funds.

(b) Audit standards. Subrecipient [~~Contractor~~] audit procedures shall meet or exceed the single audit report requirement of 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(1) Access. The United States Secretary of Transportation, the Comptroller General of the United States, the executive director of the department, and the State Auditor, and any of their authorized representatives, shall have access to the financial and other project records at all reasonable times during the contract period and for the record retention period for the purpose of making audits, examinations, excerpts and transcripts.

(2) Documentation. The subrecipient [~~contractor~~] shall maintain financial records, supporting documents, statistical records, and all other records of the public transportation grant.

(3) Records retention. Financial records, supporting documents, statistical records, and all other records of the public transportation grant shall be retained for a period of three years after grant closeout, with the following qualifications.

(A) Litigation. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigations, claims, and audit findings involving the records have been resolved.

(B) Nonexpendable property. Records for nonexpendable property acquired with federal or state funds shall be retained for three years after its final disposition.

(C) Transfer of records. The three-year retention requirement is not applicable to the subrecipient [~~contractor~~] when the records are transferred to or maintained by the federal or state grantor agency.

(D) Procurement records. The three-year retention requirement is not applicable to capital projects covered under §31.44(b)(3) of this chapter.

(4) Project close-outs. The subrecipient [~~contractor~~] shall make every reasonable effort to complete all project activities and request appropriate reimbursements within the time period specified in the project agreement. Project audits shall also be completed within the specified time period and any findings resolved with all practicable speed. Upon completion of these activities, the subrecipient [~~contractor~~] shall provide the department written notification of project close-out and the release of any unspent project balances.

§31.48. Project Oversight.

(a) Purpose. This section describes reporting requirements for designated recipients and subrecipients of state or federal public transportation grant funds and monitoring activities to be performed by the department.

(b) Reporting requirements. The subrecipient shall submit reports to the department in a format prescribed by the department within deadlines established by the department.

(1) Incident reports. Subrecipients shall report all incidents that meet criteria established by the department. The subrecipient shall submit the report within five days of the incident or discovery of the incident.

(2) Asset inventory. Each subrecipient shall provide information on state and federally funded equipment as described in §31.50 of this chapter (relating to Recordkeeping and Inventory Requirements).

(3) Charter service. Section 5311 subrecipients shall provide charter service only under the specific circumstances established by the FTA. Operators shall advise the department of any charter service provided and the exemption under which charter service is provided.

(4) Disadvantaged Business Enterprises. Subrecipients shall submit reports in accordance with 49 C.F.R. Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

(5) Operations reports. All FTA recipients and subrecipients shall submit quarterly and annual operations reports.

(A) Pursuant to the requirements of 49 U.S.C. §5311 and §5335, subrecipients of assistance under §5311 shall submit to the department data required by the department for reporting to the National Transit Database.

(B) Pursuant to the requirements of 49 U.S.C. §5326, subrecipients of FTA assistance through the department shall provide the data required by the department to report on transit asset management.

(C) Pursuant to the requirements of Transportation Code, §456.008[~~(a) and (b)~~] and the applicable federal programs, the department will collect monthly, and publish annually, data from transit operators in rural and urbanized areas, including transit authorities, and public transportation providers as defined in Transportation Code §461.002 that receive funding under 49 U.S.C. §5310 [~~and publish annually data~~] on industry utilized standards that best reflect ridership, mileage, revenue by source and service effectiveness. [~~These standards include:~~]

~~(i)~~ ~~Service efficiency--Operating expense per vehicle revenue hour and operating expense per vehicle revenue mile.~~]

~~(ii)~~ ~~Cost effectiveness--Operating expense per unlinked passenger trip.~~]

~~(iii)~~ ~~Service effectiveness--Unlinked passenger trips per vehicle revenue mile and unlinked passenger trips per vehicle revenue hour.~~]

~~(iv)~~ ~~Safety--Total incidents per 100,000 miles of service and average number of miles between revenue vehicle mechanical system failures that prevent the vehicle from completing a scheduled revenue trip.~~]

~~[(D) Pursuant to the requirements of Transportation Code, §456.008(a) and (b), and 49 U.S.C. §5311, the department will collect monthly from transit operators in rural areas, and publish annually data on industry utilized standards that best reflect ridership, mileage, revenue by source and service effectiveness. These standards include:~~]

~~(i)~~ ~~Service efficiency--Operating expense per vehicle mile.~~]

~~(ii)~~ ~~Cost effectiveness--Operating expense per unlinked passenger trip.~~]

~~(iii)~~ ~~Service effectiveness--Unlinked passenger trips per vehicle mile.~~]

~~(iv)~~ ~~Safety--Total incidents per 100,000 miles of service and average number of miles between revenue vehicle mechanical system failures that prevent the vehicle from completing a scheduled revenue trip.~~]

~~[(E) Pursuant to the requirements of Transportation Code, §456.008(a) and (b), the department will collect monthly from public transportation providers, as defined in Transportation Code, §461.002, that receive funding under 49 U.S.C. §5310, or §5316 and §5317 (with regard to the grant of funds appropriated under federal authorization bills prior to MAP-21), and publish annually data on industry utilized standards that best reflect ridership, mileage, revenue by source and service effectiveness. These standards include: ~~]

~~(i)~~ ~~Service efficiency--Operating expense per vehicle mile.~~]

~~(ii)~~ ~~Cost effectiveness--Operating expense per unlinked passenger trip.~~]

~~(iii)~~ ~~Service effectiveness--Unlinked passenger trips per vehicle mile.~~]

~~(iv)~~ ~~Any other measure appropriate to the type of project financed using funds from §5310, or §5316 and §5317 with regard to the grant of funds appropriated under federal authorization bills prior to MAP-21.~~]

(6) Significant events. The recipient shall promptly advise the department in writing of events that have a significant effect on the delivery of public transportation services, including:

(A) problems, delays, and adverse conditions that will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods, accompanied by a statement of the action taken or contemplated and any departmental assistance needed to resolve the situation; and

(B) favorable developments and events that will enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(7) Miscellaneous reports. Entities receiving funds from either the department or the FTA shall cooperate with the department in providing other information as requested by state and federal funding agencies.

(c) Department monitoring. The department will rely on subrecipient reports as described in subsection (b) of this section as the primary means of monitoring subrecipient performance. In addition, department personnel and the subrecipient at least quarterly will discuss problems encountered by the subrecipient, the subrecipient's need for technical assistance, and other topics related to the provision of public transportation services. Routine monitoring activity will occur in the following areas according to a schedule that accommodates federal deadlines and department and operator workloads. Most, but not all, monitoring activities will occur on a quarterly basis.

(1) Civil rights. The department will monitor subrecipients for compliance with Title VI Civil Rights requirements.

(2) Drugs and alcohol.

(A) Each §5311 subrecipient and each of its subcontractors with safety-sensitive employees shall have policies and programs in place that comply with drug and alcohol standards established by the FTA. The department will monitor subrecipients for compliance with these regulations. In addition, the FTA requires each subrecipient to file a calendar year report (January 1 - December 31) with the department on drug and alcohol testing and compliance activities.

(B) Each §5310 subrecipient[~~, and each §5316 and §5317 subrecipients with regard to the grant of funds appropriated under federal authorization bills prior to MAP-21,~~] shall comply with Federal Motor Carrier Safety Administration requirements for drug and alcohol compliance if it owns a vehicle that requires a commercial driver's license to operate. If the subrecipient also receives §5307 or §5311 funding, the subrecipient shall include §5310 [~~§§5310, 5316, and 5317~~] employees in their FTA testing program.

(3) Fiscal responsibility. A department employee quarterly will review agency financial records that support requests for payment.

(4) Insurance. Subrecipients of state or federal funds through the department shall insure all facilities, equipment, and vehicles from loss. Checks for appropriate insurance levels will occur at the time the local agency renews its policies.

(5) Maintenance. Subrecipients are required to have written maintenance plans, schedules, and logs to ensure the proper care and longevity of vehicles and facilities in accordance with §31.53(d) of this chapter (relating to Maintenance Requirements). The plans, schedules, and logs are subject to periodic on-site inspection by the department.

(6) Incidental vehicle use. A vehicle purchased with federal or state funds may be used for incidental uses that do not conflict with the primary purposes for which the vehicle was purchased. An example of permissible incidental use is using the vehicle for other public transportation activities when it is not required for project purposes. The vehicle shall not be altered in any way to accommodate an incidental use.

(7) Procurement. The department will work with subrecipients to ensure that procurement activities meet applicable state and federal requirements and that all required documents are received and actions completed in a timely manner. Check sheets will be maintained by the department to ensure all benchmark activities are accomplished in the proper sequence.

(d) Noncompliance. A subrecipient that fails to comply with federal or state law, standard or special grant or subgrant conditions, or contractual agreements on which the grant or subgrant award is predicated, is subject to actions under Chapter 9, Subchapter H of this title (relating to Grant Sanctions).

§31.49. Transportation Needs of Clients of Health and Human Service Agencies and Coordination of Services.

(a) Purpose. This section describes requirements for addressing the transportation needs of clients of health and human service agencies and for the coordination of services between recipients of state and federal public transportation grant funds and other transportation operators.

(b) Planning for client transportation.

(1) The department will consider and will encourage metropolitan planning organizations to consider the transportation needs of persons who are clients of health and human services agencies in the planning processes performed under Chapter 16, Subchapter B, of this title (relating to Transportation Planning).

(2) An applicant for state or federal financial assistance under this chapter must submit evidence of coordination efforts to the department. This evidence must include a certification that, whenever possible, and to the maximum extent feasible, the existing network of transportation providers, and in particular the fixed route components of public transportation systems, will be used to meet the client transportation requirements of the state's social service agencies and their clients.

(3) The department will encourage, to the maximum extent possible, state health and human services agencies to base their transportation funding decisions on the recommendations that result from the:

(A) planning processes described under paragraph (1) of this subsection; and

(B) evidence of coordination efforts submitted under paragraph (2) of this subsection.

(c) Standards. Subrecipients [~~Contractors~~] shall at all times coordinate the provision of public transportation services with other transportation operators, both public and private, in the local area. Subrecipients [~~Contractors~~] shall furnish the department copies of any coordination agreements or other documents that demonstrate a good faith effort to reduce duplication of effort while improving the efficiency and effectiveness of transit services to the public. The department may suggest coordination efforts and may direct state and federal grant funding towards that end.

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

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Texas Department of Transportation
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SUBCHAPTER E. PROPERTY MANAGEMENT STANDARDS

43 TAC §31.50, §31.57

STATUTORY AUTHORITY

The amendments and new rule are proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §456.022, which authorizes the commission to adopt rules necessary to allocate state funding among eligible public transportation providers and §455.002, authorizing the department to receive grants from a governmental source for use in performing the department's public transportation functions.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapters 455 and 456

§31.50. Recordkeeping and Inventory Requirements.

(a) Purpose. To protect the public investment in real property and equipment purchased in whole or in part with state or federal public transportation funds administered by the department, subrecipients shall comply with the standards described in this section.

(b) Property records. The subrecipient shall maintain records that include:

(1) a description of the property;

(2) a serial number or other identification number; Passages with "Accountable executive"

(3) the source of the property;

(4) who holds title;

(5) the acquisition date and cost of the property;

(6) the percentage of state and the percentage of federal participation in the cost of the property;

(7) the location, use, and condition of the property; and

(8) any ultimate disposition data, including the date of disposal and sale price of the property.

(c) Inventory. The subrecipient shall cooperate with department representatives in performing at least once every two years a physical inventory of all real property[,] and equipment, as defined in §31.3 of this chapter, purchased in whole or in part with state or federal capital funds administered by the department. However, during the time period between these physical inventories, the subrecipient shall promptly notify the department in writing of all changes in the status of that real property and equipment in order that department records may be kept current. On or before November 1 of each year the subrecipient shall provide the department with an accurate inventory of capital assets funded in whole or in part by state or federal funds administered by the department[~~, including the mileage, of all vehicles used in public transportation service~~]. Property shall remain on the department's and subrecipient's inventories until such time as the property is formally disposed of in accordance with the requirements outlined in §31.57 of this subchapter. Notwithstanding the foregoing, the subrecipient shall, where applicable, be bound by, and shall comply with, the inventory requirements specified in 2 C.F.R Part 200 and Part 1201, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(d) Control system. The subrecipient must develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. The subrecipient shall investigate any loss, damage, or theft.

§31.57. Disposition.

(a) Purpose. This section describes the standards that apply to the disposition of real property, equipment, and supplies purchased in whole or in part with state or federal public transportation funds.

(b) Definition. In this section, "supplies" has the meaning assigned by FTA Circular 5010.1F.

(c) Applicable Law. The disposition of assets subject to this section is governed by 49 U.S.C. §5334, 2 C.F.R Part 200 and Part 1201, applicable Federal Transit Administration (FTA) circulars, including FTA Circular 5010.1F or its latest version, and this section.

(d) Disposition criteria.

(1) Vehicles. Disposition of a vehicle may occur when the vehicle has met the currently applicable FTA age or mileage minimum useful life standard.

(2) Real Property, Equipment, and Supplies. Disposition of real property, equipment, or unused supplies may occur when they have met their minimum useful life, as determined by FTA guidelines, or when they are no longer needed for the originally authorized purpose. Used supplies are not subject to this section.

(e) Approval Required. The subrecipient must request written approval and instructions from the department regarding the proper method and procedure for disposition of an asset before the subrecipient may dispose of the asset. If approval is granted, the department will assist the subrecipient to ensure the disposition is carried out in accordance with all relevant laws, regulations, and guidance.

(f) Distribution of disposition proceeds.

(1) Real Property. The distribution of proceeds from the disposal of real estate is governed by the applicable federal laws, regulations, and guidance. The department will consult with FTA as necessary to ensure compliance with federal standards.

(2) Vehicles, Equipment, and Unused Supplies.

(A) If the amount of the proceeds from the disposition of vehicles, equipment, or supplies is less than FTA's fair market value threshold, the subrecipient may retain all of the proceeds. Any federal or state interest in the proceeds, vehicles, equipment, or supplies will be released.

(B) If the amount of the proceeds from the disposition of vehicles, equipment or supplies is more than FTA's fair market value threshold, the distribution of the proceeds is governed by applicable federal laws, regulations, and guidance, except that the first $5,000 of the proceeds shall not be excluded from the calculation of the state or federal share to be refunded. The subrecipient shall retain the calculated amount of the local share. In lieu of refunding the state or federal share, the department encourages subrecipients to apply those funds toward the acquisition cost of a like-kind replacement asset within the same grant-funded program. The department will consult with FTA as necessary to ensure compliance with federal standards.

(3) Documentation of proceeds. If there are restrictions on the subsequent use of any proceeds retained by the subrecipient, the subrecipient shall establish with the department, in the manner prescribed by the department, a written record of the amount of funds restricted. The department will release the obligation in writing when the subrecipient has used the proceeds in a manner permitted by relevant federal laws, regulations, and guidance.

(4) Transfer of state or federal interest. If the method of disposal of an asset requires the state or federal interest to remain in that asset or to be transferred to a new or replacement asset, the interest or transfer is governed by the applicable federal laws, regulations, and guidance. The department will consult with FTA as necessary to ensure compliance with federal standards.

(g) Notice. On the final disposition of an asset, the subrecipient shall provide to the department notice of the disposition and the information necessary to update the department's inventory records described in §31.50 of this subchapter (relating to Recordkeeping and Inventory Requirements).

(h) Exceptions. The department will consider exceptions to this section on a case-by-case basis. The subrecipient must furnish information requested by the department to determine if an exception is warranted due to special circumstances. The department will consult with FTA as necessary to ensure compliance with federal standards.

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

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Texas Department of Transportation
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43 TAC §31.57

STATUTORY AUTHORITY

The repeal is proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §456.022, which authorizes the commission to adopt rules necessary to allocate state funding among eligible public transportation providers and §455.002, authorizing the department to receive grants from a governmental source for use in performing the department's public transportation functions.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Texas Transportation Code, Chapters 455 and 456

§31.57. Disposition.

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

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WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 173. OFFICE-BASED ANESTHESIA SERVICES

SUBCHAPTER B. PARENTERAL KETAMINE THERAPY

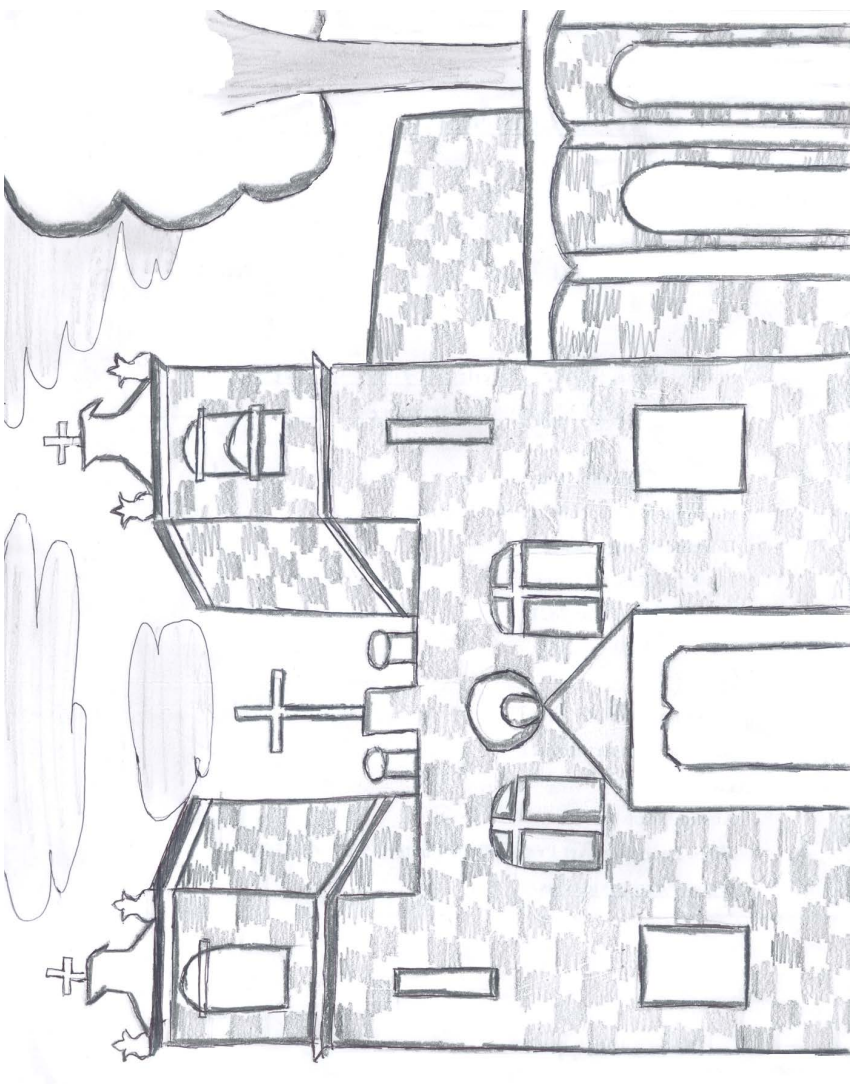
22 TAC §§173.6 - 173.18

The Texas Medical Board withdraws proposed new §§173.6 - 173.18 which appeared in the May 15, 2026, issue of the *Texas Register* (51 TexReg 3297).

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TRD-202602670
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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 1. ADMINISTRATION

PART 8. TEXAS JUDICIAL COUNCIL

CHAPTER 174. INDIGENT DEFENSE POLICIES AND STANDARDS

SUBCHAPTER C. POLICY MONITORING REQUIREMENTS

DIVISION 2. POLICY MONITORING PROCESS AND BENCHMARKS

1 TAC §174.28

The Texas Indigent Defense Commission (TIDC) is a permanent Standing Committee of the Texas Judicial Council. TIDC adopts amendments to Texas Administrative Code, Title 1, Part 8, Chapter 174, Subchapter C, Division 2, §174.28, concerning On-Site Monitoring Process. Section 174.28 is adopted without changes to the proposed text as published in the April 24, 2026 issue of the *Texas Register* (51 TexReg 2553). This rule will not be republished.

EXPLANATION OF PROPOSED AMENDMENTS

The adopted amendment to §174.28(c)(4)(B) directs monitoring staff to review cases in which the State filed an appeal under Article 44.01(a)(7), Code of Criminal Procedure, of the amount of bail set by a court. Staff shall examine each case containing a request for the appointment of counsel. The monitor shall make a finding if any request for counsel made before, on, or after the date the State filed its notice of appeal was not ruled upon by the earlier of the date required by Article 1.051(c), Code of Criminal Procedure, or when the State files its brief in the case.

The adopted amendment to §174.28(c)(4)(C) directs monitoring staff to review cases in which the State sought to deny a defendant bail under Section 11d, Article 1, Texas Constitution, and determine which of those cases contains a request for the appointment of counsel. The monitor shall make a finding if the monitor determines that any such requests were not ruled upon (either the appointment of counsel or denial of indigence) and counsel not appointed and present at the hearing.

The following comment was received regarding the adoption of the amendments:

Comment: The Deason Criminal Justice Reform Center at SMU's Dedman School of Law supports adopting the proposed amendment to Rule §174.28(c)(4) to require TIDC monitoring of timely appointment of counsel for both prosecutorial bail amount appeals and bail denial hearings. The comment notes the importance of counsel to represent a defendant in prosecutorial bail appeals and bail denial hearings, as well as ongoing delays in the appointment of counsel generally.

Response: TIDC notes the commenters support for the proposed amendments.

STATUTORY AUTHORITY

The amendments are adopted under the Texas Government Code §79.037(a) and (b), which requires TIDC to monitor the effectiveness of the county's indigent defense policies, standards, and procedures and to ensure compliance by the county with the requirements of state law relating to indigent defense.

No other statutes, articles, or codes are affected by the adopted amendments.

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 June 23, 2026.

TRD-202602584
Wesley Shackelford
Deputy Director
Texas Judicial Council
Effective date: July 13, 2026
Proposal publication date: April 24, 2026
For further information, please call: (737) 279-9208

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 109. BUDGETING, ACCOUNTING, AND AUDITING

SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING FINANCIAL ACCOUNTABILITY

19 TAC §109.1001

The Texas Education Agency (TEA) adopts an amendment to §109.1001, concerning financial accountability ratings. The amendment is adopted without changes to the proposed text as published in the March 27, 2026 issue of the *Texas Register* (51 TexReg 1956) and will not be republished. The adopted amendment updates financial accountability rating information and rating worksheets for school districts and open-enrollment charter schools.

REASONED JUSTIFICATION: Section 109.1001 includes the financial accountability rating system and rating worksheets that explain the indicators that TEA will analyze to assign financial accountability ratings for school districts and open-enrollment charter schools. The rule also specifies the minimum financial accountability rating information that a school district or an open-enrollment charter school is to report to parents and taxpayers in the district.

The adopted amendment removes outdated rating worksheets and clarifies the financial accountability rating indicators terminology used to determine each school district's and charter school's rating for the 2025-2026 rating year by revising the rating worksheets in re-lettered §109.1001(e)(1) and (f)(1) and by adding a rating worksheet in §109.1001(g)(1). The adopted amendment also includes calculations and terminology clarifications for the 2026-2027 rating year and subsequent years by adding rating worksheets in §109.1001(e)(2), (f)(2), and (g)(2).

Adopted new subsection (e)(2) is added, including new Figure: 19 TAC §109.1001(e)(2), that clarifies terminology and calculations for School Financial Integrity Rating System of Texas (FIRST) indicators for years subsequent to the 2025-2026 rating year.

Adopted new subsection (f)(2) is added, including new Figure: 19 TAC §109.1001(f)(2), that clarifies terminology and calculations for Charter FIRST indicators for years subsequent to the 2025-2026 rating year.

Adopted new subsection (g)(1) is added, including new Figure: 19 TAC §109.1001(g)(1), that clarifies terminology and calculations for Charter FIRST indicators for institution of higher education (IHE) charter schools for the 2025-2026 rating year.

Adopted new subsection (g)(2) is added, including new Figure: 19 TAC §109.1001(g)(2), that clarifies terminology and calculations for Charter FIRST indicators for IHE charter schools for years subsequent to the 2025-2026 rating year.

Adopted new subsection (g)(3) is added to affirm calculations and scoring methods for charter schools operated by a public IHE adopted for prior rating years remains in effect for purposes with respect to those rating years.

The worksheets dated July 2026 differ from the worksheets dated June 2024 as follows.

Figure: 19 TAC §109.1001(e)(1)

The due date for the fiscal year 2025 annual financial report (AFR) and financial data to TEA for indicator 1 is revised for the 2025-2026 rating year primarily because the 2025 Compliance Supplement was released late in 2025 by the Office of Management and Budget (OMB).

The calculation for indicator 5 is revised to include premiums on capital appreciation bonds with accreted interest on capital appreciation bonds to increase the adjusted net position.

The average daily attendance (ADA) ranges are clarified for indicators 13 and 15.

The terminology for indicator 15 is clarified to align with data used in the calculation for the indicator.

Calculations for indicators 6, 7, 9, and 13 are adjusted to subtract recapture expenditures from total expenditures for school districts with local revenue in excess of entitlement, and indicator 9 is adjusted to reduce the revenue that was recaptured from these districts. For school districts that have a fiscal year end of June 30, calculations for indicators 7, 8, and 11 are adjusted to remove recapture amounts from cash and current liabilities, as applicable.

Figure: 19 TAC §109.1001(f)(1)

The due date for the fiscal year 2025 AFR and financial data to the agency for indicator 1 is revised for the 2025-2026 rating year primarily because the 2025 Compliance Supplement was released late in 2025 by the OMB.

The calculation for indicator 12 is revised to reflect changes in accounting principles. However, all charter schools will receive the maximum points for this indicator for the 2025-2026 rating year.

For indicator 14, ADA ranges are clarified, and terminology is clarified to exclude object code 6144 from the calculation.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began March 27, 2026, and ended April 27, 2026. Following is a summary of the public comments received and agency responses.

School FIRST and Charter FIRST

Comment: Concerning the proposed figures in subsections (e)(1) and (2), (f)(1) and (2), and (g)(1) and (2), a school district administrator commented that continual updates to rating systems and associated worksheets add complexity and administrative burden without clear evidence that these changes improve financial stewardship or student outcomes.

Response: The agency disagrees that the updates do not improve financial stewardship. Periodic updates are a necessary component of maintaining a financial accountability system that reflects current accounting policies. Many of the indicators within the rating framework are designed to assess core elements of financial stewardship, such as liquidity, administrative efficiency, and budget-to-actual performance. The agency has maintained language as proposed in the figures in subsections (e)(1) and (2), (f)(1) and (2), and (g)(1) and (2).

Comment: Concerning the proposed figures in subsections (e)(1) and (2), (f)(1) and (2), and (g)(1) and (2), a school district administrator requested that the agency consider an amendment to exclude Teacher Incentive Allotment (TIA) expenditures from cash and current liabilities because the timing difference between the date TIA awards must be paid to teachers and the date that reimbursements are made to districts places districts with a fiscal year end of August 31 at a disadvantage in FIRST rating calculations for cash and current liabilities. TIA awards must be paid to teachers on or before August 31 and the reimbursements to districts are not made until after September 1.

Response: The agency disagrees with making a change at this time, as the agency's systems currently don't have the capability to make the updates, but will consider an adjustment to indicators impacted by TIA requirements to help ensure school systems' financial positions are more fairly represented. The agency will continue to review the impact of TIA expenditures within the FIRST system and incorporate necessary adjustments, as appropriate, to ensure fairness and integrity of the financial accountability system. The agency has maintained language as proposed in the figures in subsections (e)(1) and (2), (f)(1) and (2), and (g)(1) and (2).

School FIRST and Charter FIRST Indicator 10

Comment: Concerning the proposed figures in subsections (e)(1) and (2) and (f)(1) and (2), the Texas Public Charter Schools Association requested that the agency evaluate School FIRST indicator 10 and Charter FIRST indicator 10 to determine if these are still necessary measures that capture unique information not accounted for in other indicators. They requested the agency remove indicator 10 from the 2026-2027 rating year system and beyond if the evaluation determines the indicator is not necessary. If the evaluation determines the indicator is necessary, they further requested that the agency update the indicator to include a size-based methodology to ensure consistency with other indicators that acknowledge that school system size matters when considering percentage-based comparisons.

Response: The agency disagrees and has determined that School FIRST indicator 10 and Charter FIRST indicator 10 are necessary. The agency also disagrees that a size-based methodology is necessary for this indicator. Budget-to-actual revenue analysis is necessary to evaluate whether a school system's projected revenues align with actual revenue, ensuring that revenue estimates are reasonable and within an acceptable range. This comparison supports financial accountability by identifying significant deviations, promoting accurate forecasting, and reinforcing effective management of financial resources. The agency has maintained language as proposed concerning indicator 10 in the figures in subsections (e)(1) and (2) and (f)(1) and (2).

School FIRST Indicators 7 and 9

Comment: Concerning the proposed figures in subsection (e)(1) and (2), a school district administrator commented that districts with a fiscal year that begins on July 1 are at a disadvantage on School FIRST indicators 7 and 9 and suggested the agency consider foundation school program payments due to these districts at fiscal year end in the calculations for these indicators.

Response: The agency disagrees that districts with a fiscal year that begins on July 1 are at a disadvantage on School FIRST indicators 7 and 9. Governmental fund financial statements are reported using the modified accrual basis of accounting. Revenue is recognized as soon as it is both measurable and available. Revenue is considered to be available when it is collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenue to be available if it is collectible within 60 days of the end of the current fiscal period. The agency has maintained language as proposed concerning School FIRST indicators 7 and 9 in the figures in subsection (e)(1) and (2).

Charter FIRST Indicator 5

Comment: Concerning the proposed figures in subsection (f)(1) and (2), the Texas Public Charter Schools Association requested that Charter FIRST indicator 5 be adjusted to be consistent with School FIRST indicator 5. Specifically, they requested the allowance for charter schools to pass the indicator based on the growth factor by 1,000 students or more in addition to the 7% growth factor and the allowance for charter schools that pass the indicator based on the membership growth calculation to receive up to 89 points for a B = Above Standard Achievement rating.

Response: The agency disagrees that Charter FIRST indicator 5 should be consistent with School FIRST indicator 5. The criteria, scoring, and ceilings for School FIRST indicator 5 were implemented because of the impact of Governmental Accounting Standards Board accounting policies that do not affect non-profit charter schools. The agency has maintained language as proposed concerning Charter FIRST indicator 5 in the figures in subsection (f)(1) and (2).

Charter FIRST Indicator 6

Comment: Concerning the proposed figures in subsection (f)(1) and (2), a governmental charter school administrator suggested that Charter FIRST indicator 6 be revised to exclude the effect of other post-employment benefits (OPEB) and net pension liabilities (NPL) since these amounts are based on actuarial estimates that can have a significant impact on net position. The charter school administrator further stated that when OPEB and NPL are included in these indicators, the year over year changes in net position are less meaningful.

Response: The agency disagrees that the calculation for Charter FIRST indicator 6 should exclude the effect of OPEB and NPL on total net assets. Indicator 6 is a calculation of the average change in total net assets over three years, not a single year, so the impact of OPEB and NPL are comparable per year. The agency has maintained language as proposed concerning Charter FIRST indicator 6 in the figures in subsection (f)(1) and (2).

Charter FIRST Indicator 7

Comment: Concerning the proposed figures in subsection (f)(1) and (2), a charter school administrator and the Charter Growth Fund recommended that Charter FIRST indicator 7 be amended to exclude all non-cash expenses from the days of cash on hand calculation, particularly, lease interest and right-of-use asset amortization expenses.

Response: The agency disagrees that a change should be made at this time. Non-cash expenses have an impact on the days of cash on hand calculation, however, there is no measurable impact on the scoring for the present rating year. The agency intends to amend Charter FIRST indicator 7 to exclude non-cash expenses for future rating years. The agency has maintained language as proposed concerning Charter FIRST indicator 7 in the figures in subsection (f)(1) and (2).

Charter FIRST Indicator 10

Comment: Concerning the proposed figures in subsection (f)(1) and (2), a governmental charter school administrator suggested that Charter FIRST indicator 10 be revised to allow a 15% variance when comparing budgeted revenues to actual revenues for the last three fiscal years. The charter school administrator stated that a small change in enrollment for smaller schools serving students in correctional facilities or residential treatment centers with enrollment less than 1,000 students could produce a significant change in revenues. Additionally, the charter school administrator stated that these schools do not have control over which students enroll and face daily enrollment fluctuations and by allowing a larger variance in their revenue forecasts, these schools have a more reasonable measure to achieve.

Response: The agency disagrees that a change needs to be made at this time. There may be challenges with budgeting revenues for certain charter schools with student enrollment that is based on circumstances outside of the control of the charter school. The agency will review information related to this indicator as it impacts charter schools with student populations from correctional facilities and residential treatment centers. The agency is willing to make adjustments that are deemed necessary if a charter school submits an appeal for the indicator after the preliminary rating is released. The agency has maintained language as proposed concerning Charter FIRST indicator 10 in the figures in subsection (f)(1) and (2).

Charter FIRST Indicator 12

Comment: Concerning the proposed figures in subsection (f)(1) and (2), a charter school board president, a charter school administrator, a municipal advisor, an education services provider, and two bond underwriters recommended revising the calculation for Charter FIRST indicator 12 to exclude from the denominator debt service paid from clearly identified, restricted, non-operating funds. The commenters stated that these expenses should be excluded because they do not represent a claim on current operating revenues and that this method is consistent with standard industry practice.

Response: The agency disagrees with making this change at this time, as time is needed to adjust agency systems to collect the appropriate data. The agency supports the idea of excluding debt service payments made with clearly identifiable restricted, non-operating sources from the denominator for Charter FIRST indicator 12. As a result, all charter schools will receive the maximum of 10 points for indicator 12 for rating year 2025-2026. The agency has maintained language as proposed concerning indicator 12 in the figures in subsection (f)(1) and (2).

Comment: Concerning the proposed figures in subsection (f)(1) and (2), a governmental charter school administrator commented that the calculation for indicator 12 produces an undefined result since the denominator is zero and that language should be added to indicate the school should automatically pass the indicator if the school has no debt.

Response: The agency disagrees that an undefined result is produced in the financial accountability rating system for Charter FIRST indicator 12 when the denominator is zero. Charter schools with no principal or interest have received the maximum points for this indicator. The agency has maintained language as proposed concerning Charter FIRST indicator 12 in the figures in subsection (f)(1) and (2).

Charter FIRST Indicator 13

Comment: Concerning the proposed figures in subsection (f)(1) and (2), a governmental charter school administrator commented that Charter FIRST indicator 13 appears to measure the impact of long-term debt on a school's operations and that the indicator should be revised to divide long-term indebtedness (bonds and loans), excluding OPEB and NPL, by total assets to determine a ratio. Additionally, the administrator provided a point scale for the ratio and added that a charter school should automatically pass indicator 13 if the charter school's change of students in membership over five years is 7% or more. The administrator also commented that School FIRST indicator 11 for independent school districts uses the ratio of long-term liabilities to total assets to determine long-term solvency and that by adopting the proposed revision, Charter FIRST indicator 13 would be comparable to the indicator independent school districts use to measure the impact of long-term borrowings on long-term solvency.

Response: The agency disagrees that Charter FIRST indicator 13 should be revised to divide long-term indebtedness, excluding OPEB and NPL, by total assets. The calculation for indicator 11 for Charter FIRST already determines the long-term liabilities to total assets ratio with the point scale that was suggested by the administrator and allows a charter school to automatically pass the indicator if the charter school's change of students in membership over five years is 7% or more. The agency has maintained language as proposed concerning Charter FIRST indicator 13 in the figures in subsection (f)(1) and (2).

Charter FIRST Indicator 16

Comment: Concerning proposed Figure: 19 TAC §109.1001(f)(1), the Texas Public Charter Schools Association recommended that the 2025-2026 rating year be used as a transition year between the current 10% threshold and the size-based methodology proposed for the 2026-2027 rating year for Charter FIRST indicator 16 to allow school systems with less than 500 students to pass the indicator if they stay within a 20% variance. The commenter recommended specific methodology.

Response: The agency disagrees with adjusting the scoring system for one year prior to the implementation of the scoring based on multiple ADA groups. There is not a significant variation in the results of the indicator since before the pandemic. The agency has maintained language as proposed concerning Charter FIRST indicator 16 in Figure: 19 TAC §109.1001(f)(1).

Comment: Concerning proposed figures in subsection 19 TAC §109.1001 (f)(1) and (2), a governmental charter school administrator suggested that Charter FIRST indicator 16 be revised to allow wider fluctuations in enrollment and attendance impacting schools with a smaller number of students. The charter school administrator stated that charter schools serving students in residential correctional facilities and residential treatment centers experience fluctuations in daily enrollment that can be greater than 10%. The charter school administrator suggested that points be assigned in a way that is more comparable to School FIRST indicator 15.

Response: The agency disagrees that a change should be made at this time. There may be challenges with estimating ADA for certain charter schools. Charter FIRST indicator 16 for the 2026-2027 rating year in Figure 19 TAC §109.1001(f)(2) reflects variations for points based on four groups of ADA. The agency will review information related to this indicator as it relates charter schools with student populations from correctional facilities and residential treatment centers. The agency is willing to make adjustments that are deemed necessary if a charter school submits an appeal for the indicator after the preliminary rating is released. The agency has maintained language as proposed concerning Charter FIRST indicator 16 in the figures in subsection (f)(1) and (2).

STATUTORY AUTHORITY. The amendment is adopted under TEC, §12.104(b)(3)(M), which subjects open-enrollment charter schools to the prohibitions, restrictions, or requirements relating to public school accountability and special investigations under TEC, Chapter 39, Subchapters A, B, C, D, F, G, and J, and TEC, Chapter 39A; TEC, §39.082, which requires the commissioner of education to develop and implement a financial accountability rating system for public schools and establishes certain minimum requirements for the system, including an appeals process; TEC, §39.083, which requires the commissioner to include in the financial accountability system procedures for public schools to report and receive public comment on an annual financial management report; TEC, §39.085, which requires the commissioner to adopt rules to implement TEC, Chapter 39, Subchapter D, which addresses financial accountability for public schools; and TEC, §39.151, as amended by House Bill (HB) 8, 89th Texas Legislature, 2nd Called Session, 2025, which requires the commissioner to provide a process by which a school district or an open-enrollment charter school can challenge an agency decision related to academic or financial accountability under TEC, Chapter 39, including a determination of consecutive school years of unacceptable performance ratings. This

process must include a committee to make recommendations to the commissioner. These provisions collectively authorize and require the commissioner to adopt the financial accountability system rules, which implement each requirement of statute applicable to school districts and open-enrollment charter schools.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§12.104(b)(3)(M); 39.082; 39.083; 39.085; and 39.151, as amended by HB 8, 89th Texas Legislature, 2nd Called Session, 2025.

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 June 25, 2026.

TRD-202602609
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: July 15, 2026
Proposal publication date: March 27, 2026
For further information, please call: (512) 463-9526

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 307. BEHAVIORAL HEALTH PROGRAM

SUBCHAPTER H. COORDINATED SPECIALTY CARE FOR FIRST EPISODE PSYCHOSIS PROGRAM

26 TAC §§307.401, 307.403, 307.405, 307.407, 307.409, 307.411, 307.413, 307.415, 307.417, 307.419

The executive commissioner of the Texas Health and Human Services Commission (HHSC), in Texas Administrative Code Title 26, Part 1, Chapter 307 adopts new Subchapter H consisting of new §307.401, concerning Purpose; §307.403, concerning Application; §307.405, concerning Definitions; §307.407, concerning Eligibility Requirements; §307.409, concerning Program Requirements; §307.411, concerning Staffing Requirements; §307.413, concerning Training Requirements; §307.415, concerning Outreach Plan; §307.417, concerning Service Provision; and §307.419, concerning Waiver Request.

Section 307.409 is adopted with changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1794). This rule will be republished.

Sections 307.401, 307.403, 307.405, 307.407, 307.411, 307.413, 307.415, 307.417, and 307.419 are adopted without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1794). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The new sections are necessary to establish requirements for providers delivering Coordinated Specialty Care for First Episode Psychosis (CSC-FEP) program services. These new rules outline provider qualifications, staffing requirements, training requirements, program structure, and service delivery expectations to ensure individuals experiencing a first episode of psychosis receive comprehensive, evidence-based treatment and support.

The new rules define key terms, establish eligibility criteria, and describe required services, including psychotherapy, family education and support, peer support, medication management, and support for employment and education. The new rules also set requirements for treatment team composition, service planning, documentation, safety planning, and coordination of care.

The new rules further establish expectations for provider oversight, including training requirements, outreach planning, and processes for waiver requests. These provisions promote consistency, accountability, and quality in the delivery of CSC-FEP services across contracted providers.

COMMENTS

The 31-day comment period ended April 20, 2026.

HHSC received comments regarding the proposed rules from the Meadows Mental Health Policy Institute (Meadows Institute). A summary of comments relating to the rules and HHSC's responses follows.

Comment: The commenter recommended clarifying §307.409(a)(4) regarding the requirement related to medication by adding the words "when clinically appropriate," since not all participants in a CSC-FEP program will need medication. The commenter also suggested as a part of the required services, it may be appropriate to add a new requirement in §307.409(a) for "medication evaluation and management."

Response: HHSC agrees with the commenter and added "when clinically indicated" in §307.409(a)(4). This revision ensures the rule reflects appropriate clinical discretion. HHSC declined to add for "medication evaluation and management." HHSC determined that medication evaluation and management activities are encompassed within existing clinical service expectations as indicated in §307.409(a)(4), and do not require a separate rule.

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Health and Safety Code §534.052, which requires the executive commissioner to adopt rules necessary and appropriate to ensure the adequate provision of community-based mental health services through a local mental health authority.

§307.409. Program Requirements.

(a) The provider must implement a CSC-FEP program that includes the following services:

(1) psychotherapy;

(2) family education and support;

(3) peer support for recovery from mental illness;

(4) medication prescribed to treat mental illness, when clinically appropriate; and

(5) support for education and job-related goals.

(b) The provider must:

(1) ensure the service period of up to 36 months starts on the date the provider enrolls the individual in the CSC-FEP program;

(2) establish and maintain an individual's medical record according to:

(A) state and federal laws and regulations; and

(B) the provider's admission standards and procedures;

(3) complete the uniform assessment at the individual's intake within 10 calendar days of the referral date; and

(4) conduct, review, and revise the uniform assessment according to §301.353 of this title (relating to Provider Responsibilities for Treatment Planning and Service Authorization).

(c) The provider must ensure each treatment team:

(1) maintains a census of at least 20 individuals;

(2) makes and documents five attempts to meet in person each month for the first 12 months the individual is enrolled in the CSC-FEP program. The team must document the reason why any in-person meetings did not happen; and

(3) meets at least one time a week and includes the following staff members:

(A) a team lead;

(B) a case manager or skills trainer;

(C) a certified peer specialist;

(D) a CFP; and

(E) a SEES.

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 June 29, 2026.

TRD-202602664
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 19, 2026
Proposal publication date: March 20, 2026
For further information, please call: (737) 704-9063

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CHAPTER 561. EMPLOYEE MISCONDUCT REGISTRY

26 TAC §§561.1 - 561.9

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §561.1, concerning Purpose; §561.2, concerning Definitions; §561.3, concerning Employment and Registry Information; §561.4, concerning Investigations; §561.5, concerning Results of Investigation and Notice to Employee; §561.6, concerning Informal Review; §561.7, concerning Reportable Conduct Finding and Notice and Opportunity for Administrative Hearing; §561.8, concerning Entering Information in the EMR; and §561.9, concerning Removal from Employee Misconduct Registry.

Sections 561.1 and 561.3 - 561.9 are adopted without changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 1998). These rules will not be republished.

Section 561.2 is adopted with changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 1998). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The adoption is necessary to implement Senate Bill (SB) 1849, 88th Legislature, Regular Session, 2023 and House Bill (HB) 3560, 89th Legislature, Regular Session, 2025.

SB 1849 amended Texas Health and Safety Code §253.010, which allows HHSC to amend rules related to the Employee Misconduct Registry (EMR) to establish criteria for a person to submit a request to be removed from the EMR and establish a process to determine whether a person meets the requirements for inclusion in the EMR.

SB 1849 also created new Texas Health and Safety Code (HSC) Chapter 810, Interagency Reportable Conduct Search Engine, known as Search Engine for Multi-Agency Reportable Conduct (SEMARC), which requires HHSC to amend rules to incorporate information and requirements established by new Chapter 810 relating to:

(1) definitions;

(2) designation of employees and contractors who are eligible to access the search engine;

(3) designation of additional users who are eligible to access the search engine, which may include controlling persons, hiring managers, or administrators;

(4) clarifying that an individual in the search engine is not entitled to notice or a hearing before the information is shared with another state agency or a designated user;

(5) conducting initial and periodic searches to determine whether an individual who may have access to a client has engaged in reportable conduct, and, if so, whether the individual is ineligible for employment, a volunteer position, a contract, or a license;

(6) providing notice and a due process hearing to an individual if HHSC denies, revokes, or suspends a contract or license based on that individual's reportable conduct under agency rules according to §810.006; and

(7) requiring that information contained in the search engine results and information shared with other agencies is confidential.

HB 3560 amended the definition of "facility" regarding the Employee Misconduct Registry in HSC §253.001(4) to include facilities licensed under HSC Chapter 577, Private Mental Hospitals and Other Mental Health Facilities. This adoption updates the definition of "facility" in the rules.

The adoption improves access to the rules related to the Employment Misconduct Registry by consolidating them into one chapter in the Texas Administrative Code.

The adoption is also necessary to update rules and to improve the readability and understanding of the rules.

COMMENTS

The 31-day comment period ended April 27, 2026.

HHSC did not receive any comments regarding the proposed rules.

HHSC made a minor editorial change in §561.2 to remove a comma.

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapters 253 and 810; and Texas Human Resources Code, Chapter 48, Subchapter I.

§561.2. Definitions.

The following terms in this chapter have the following meanings unless the context clearly indicates otherwise.

(1) Abuse--Is defined by the law or rule that applies to investigating claims of abuse of an individual who uses the Consumer Directed Services (CDS) option or receives services from a facility or agency.

(2) Administrative hearing--A hearing held under this rule chapter by the Texas State Office of Administrative Hearings (SOAH) following a written request for a hearing by an employee challenging the HHSC reportable conduct decision for the employee.

(3) Administrative law judge--A judge from SOAH who handles administrative hearings under this chapter and according to Texas Government Code Chapter 2001.

(4) Agency--In this chapter means:

(A) a home and community support services agency licensed under Texas Health and Safety Code (HSC) Chapter 142. It provides services to children, older adults, adults with disabilities, and people receiving care in a hospice facility;

(B) a person exempt from licensing under HSC §142.003(a)(19) - (20);

(C) a state supported living center as defined in HSC §531.002;

(D) a local mental health authority as defined in HSC §531.002;

(E) a community center as defined in HSC §531.002;

(F) a contractor of an entity described in subparagraphs (C) - (E) of this paragraph;

(G) a person who contracts with a health and human services agency or Medicaid managed care organization to provide home and community-based services (HCBS) as that term is defined in Texas Human Resources Code (HRC) §48.251;

(H) a person who enters into a contract with a Medicaid managed care organization to provide behavioral health services;

(I) a Medicaid managed care organization;

(J) an officer, employee, agent, contractor, or subcontractor of a person or entity listed in subparagraphs (C) - (I) of this paragraph;

(K) an employee, fiscal agent, case manager, or service coordinator of an individual employer participating in the consumer-directed service option, as defined in Texas Government Code §546.0101; or

(L) any other program, project, waiver demonstration, or service providing long-term services and supports through the Medicaid program.

(5) Child--A person under 18 years old who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

(6) Consumer directed services (CDS) option--A service delivery option, described in Chapter 264 of this title (relating to Consumer Directed Services Option) and Texas Government Code §546.0101 in which an individual or legally authorized representative (LAR) employs and retains service providers and directs the delivery of program services.

(7) Emergency--Cases of abuse, neglect, or financial exploitation that rise to the level of reportable conduct, which, without immediate intervention, would result in a child or an adult with a disability or aged 65 years old or older being in a state of harm or at risk of harm.

(8) Employee--A person who:

(A) works for a facility, agency, or individual employer;

(B) provides personal care services, active treatment, or any other personal services to an individual using the CDS option or receiving facility or agency services, or an individual who is a child for whom an investigation is authorized under Texas Family Code §261.404;

(C) provides personal care services, active treatment or any other personal services to an individual who is a child for whom an investigation is authorized under Texas Family Code §261.404;

(D) is not licensed to perform those services or is a nurse aide; and

(E) was an employee as defined in subparagraphs (A) - (D) of this paragraph and is currently on the Employee Misconduct Registry.

(9) EMR--The Employee Misconduct Registry. The registry established in HSC Chapter 253, and available on the HHSC website.

(10) Executive Commissioner--The executive commissioner of HHSC or the executive commissioner's designee.

(11) Exploitation--Is defined by the statute or rule that governs the investigation of alleged exploitation of an individual using the CDS option or receiving facility or agency services. Exploitation includes misappropriation in a nursing facility setting, as defined in 26 TAC §554.101 (relating to Definitions).

(12) Facility--In this chapter means:

(A) a nursing facility licensed under HSC Chapter 242;

(B) an assisted living facility licensed under HSC Chapter 247;

(C) a home and community support services agency licensed under HSC Chapter 142;

(D) a day activity and health services facility licensed under HRC Chapter 103;

(E) an adult foster care provider that contracts with HHSC;

(F) a prescribed pediatric extended care center licensed under HSC Chapter 248A;

(G) an intermediate care facility for individuals with an intellectual disability unlicensed or licensed by HHSC under HSC Chapter 252, including the intermediate care facility for individuals

with an intellectual disability component of the Rio Grande State Center;

(H) a state supported living center licensed under HSC Chapter 555;

(I) a residential child-care facility as defined by HRC §42.002, at which an elderly person or an adult with a disability lives or is in the facility's care;

(J) a state hospital licensed under HSC Chapter 552; or

(K) a private mental hospital or other mental health facility licensed under HSC Chapter 577.

(13) Financial management services agency (FMSA)--As defined in 26 TAC §264.103 (relating to Definitions).

(14) Harm--An outcome or potential outcome of such a nature that a reasonable person would consider could have an imminent significant negative impact on the physical, mental, or emotional health of an individual.

(15) HCSSA--Home and Community Support Services Agency.

(16) HHSC--The Texas Health and Human Services Commission.

(17) HRC--Texas Human Resources Code.

(18) HSC--Texas Health and Safety Code.

(19) Individual--A person receiving services from an agency or facility.

(20) Individual employer--An individual or legally authorized representative (LAR) who participates in the CDS option. The individual employer is responsible for hiring and retaining service providers to deliver program services.

(21) Informal review (IR)--A chance for an employee to offer more information to HHSC to dispute investigation findings.

(22) SEMARC--Search Engine for Multi-Agency Reportable Conduct. As established by Texas Health and Safety Code Chapter 810.

(23) Neglect--Is defined by the statute or rule that covers how alleged neglect of an individual using the CDS option or receiving facility or agency services is investigated.

(24) Nurse Aide Registry (NAR)--The registry established in HSC §250.001(1), and available on the HHSC website.

(25) Release--The release of data outside of HHSC without the employee's consent, except for data released as allowed by law or according to this chapter.

(26) Reportable conduct--Reportable conduct, as defined in HSC §253.001 and HRC §48.401(5), which includes:

(A) abuse or neglect that causes or may cause death or harm to an individual using the CDS option or receiving facility or agency services;

(B) sexual abuse of an individual using the CDS option or receiving facility or agency services;

(C) financial exploitation of an individual using the CDS option or receiving facility or agency services in the amount of $25 or more; and

(D) emotional, verbal, or psychological abuse that causes harm to an individual using the CDS option or receiving facility or agency services.

(27) Texas State Office of Administrative Hearings (SOAH)--The state agency responsible for conducting certain administrative hearings for other state agencies, including HHSC.

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 June 23, 2026.

TRD-202602575
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 23, 2026
Proposal publication date: March 27, 2026
For further information, please call: (512) 348-7677

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CHAPTER 711. INVESTIGATIONS OF INDIVIDUALS RECEIVING SERVICES FROM CERTAIN PROVIDERS

SUBCHAPTER L. EMPLOYEE MISCONDUCT REGISTRY

26 TAC §§711.1401 - 711.1404, 711.1406 - 711.1408, 711.1413 - 711.1415, 711.1417, 711.1419, 711.1421, 711.1423, 711.1425 - 711.1427, 711.1429, 711.1431, 711.1432, 711.1434

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts the repeal of §§711.1401 - 711.1404, 711.1406 - 711.1408, 711.1413 - 711.1415, 711.1417, 711.1419, 711.1421, 711.1423, 711.1425 - 711.1427, 711.1429, 711.1431, 711.1432, and 711.1434, concerning Employee Misconduct Registry.

Sections 711.1401 - 711.1404, 711.1406 - 711.1408, 711.1413 - 711.1415, 711.1417, 711.1419, 711.1421, 711.1423, 711.1425 - 711.1427, 711.1429, 711.1431, 711.1432, and 711.1434 are adopted without changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2005). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The purpose of the adoption is to remove duplicate rules from the Texas Administrative Code and consolidate the rules into one chapter relating to the Employee Misconduct Registry in 26 TAC Chapter 561. The relevant information in these rules is incorporated into the rules in Chapter 561 with updates for clarification and to align the rules with statute.

COMMENTS

The 31-day comment period ended April 27, 2026.

HHSC did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The repealed rules are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of

HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapters 253 and 810; and Texas Human Resources Code, Chapter 48, Subchapter I.

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 June 23, 2026.

TRD-202602576
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 23, 2026
Proposal publication date: March 27, 2026
For further information, please call: (512) 348-7677

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 21. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

CHAPTER 675. OPERATIONAL RULES

SUBCHAPTER B. EXPORTATION AND IMPORTATION OF WASTE

31 TAC §675.20, §675.23

The Texas Low-Level Radioactive Waste Disposal Compact Commission (Commission) adopts the amendments to §675.20 and §675.23. The amendments to §675.20 and §675.23 are adopted without change to the proposed text as published in the May 15, 2026 issue of the *Texas Register* (51 TexReg 3359) and will not be republished.

Summary of the Factual Basis for the Adoption of the Rules

In enacting the Texas Low-Level Radioactive Waste Disposal Compact Consent Act (Act), the United States Congress acknowledged the public value of the party states' cooperation in the protection of the health, safety, and welfare of their citizens and the environment of the party states (Public Law 105-236, 112 Stat. 1542). In furtherance of this policy, the Congress provided for the economic management of low-level radioactive waste to distribute the costs, benefits, and obligations among the party states (Public Law 105-236, 112 Stat. 1542). By adopting the Act in Texas Health and Safety Code (THSC), Chapter 403, the Texas Legislature authorized the Commission to enter into agreements with any person for the importation of low-level radioactive waste into the compact for disposal (THSC, §403.006).

To continue implementing the policy directives of the Act, the Commission adopts the amendments to §675.20 and §675.23 to improve regulatory clarity, streamline administrative processes, and improve accessibility for applicants and the public.

Regarding §675.20(20), the Commission recognizes a public benefit in aligning the definition of a "small quantity generator" more closely with current industry generation profiles. The adopted amendment decreases the volumetric limit for a small quantity generator from no more than 200 cubic feet per year to no more than 75 cubic feet per year. The curie limit remains unchanged at no more than 100 curies per year. The amendment also adds "nuclear fuel cycle facilities" to the list of entities excluded from being classified as a small quantity generator, alongside the existing exclusions of nuclear power generation facilities, electric utilities, and the United States Department of Defense.

Regarding §675.23(f) and (h), the Commission has determined that it is in the public interest to explicitly authorize the use of its online portal, electronic mail, and major courier services (such as UPS or FedEx) for official Commission business. These adopted amendments modernize the acceptable methods for submitting applications, delivering required copies to the Compact Facility Operator and the Texas Commission on Environmental Quality (TCEQ), and receiving public comments, thereby reducing delays and administrative burdens and ensuring an efficient, transparent regulatory framework.

Public Comment and Commission Response

The Commission received no comments in response to the publication of the proposed amendments.

Statutory Authority

The Commission adopts the amendments under authority granted in THSC, §403.006, which includes specific rulemaking authority in the Act, Section 3.05. The Commission interprets this section as allowing for the implementation of rules regarding the management of low-level radioactive waste from non-party states.

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 June 25, 2026.

TRD-202602611
Stephen Raines
Executive Director
Texas Low-Level Radioactive Waste Disposal Compact Commission
Effective date: September 1, 2026
Proposal publication date: May 15, 2026
For further information, please call: (512) 350-6241

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TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 4. EMPLOYMENT PRACTICES

SUBCHAPTER C. EMPLOYMENT AND EDUCATION PROGRAMS

43 TAC §4.21, §4.25

The Texas Department of Transportation (department) adopts the amendments to §4.21 and §4.25, concerning Employment and Education Programs. The amendments to §4.21 and §4.25 are adopted without changes to the proposed text as published in the April 10, 2026 issue of the *Texas Register* (51 TexReg 2347) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

This rulemaking makes changes to the department's conditional grant program, which provides financial assistance to eligible economically disadvantaged students who intend to work for the department in civil engineering or another profession for which there is a critical need, to increase flexibility for both applicants and administrators of the program and to provide greater outreach opportunities for the program and increase yearly applications. Overall, the changes to the program will continue to promote educational opportunities in the transportation industry to underprivileged communities.

Amendments to §4.21, Definitions, change the term "academic school year" to "academic year" to provide clarity concerning the use of this term used in the subchapter. The amendments delete the definitions of "available grants" and "student intern program performance evaluation" because they are not used in the rules and delete "Texas resident" as being unnecessary. In the definition of "economically disadvantaged student" the Federal Poverty Guideline limit is increased from 225% to 250% to account for fluctuations of poverty levels and rising costs for education.

Amendments to §4.25, Conditional Grant Program, make several changes to the program. In subsection (d)(3), the application period is changed from an annual to a bi-annual period to allow for greater application flexibility and earlier program entry for students actively obtaining a bachelor's degree. In subsection (e)(1) the word "applicable" is added to provide clearer scoring guidelines since not all criteria set out in subparagraphs (A) - (F) will be required. In subsection (e)(1)(D) "vocational education" is changed to "career and technical education," which is the currently used term. In subsection (g)(3) the total grant amount is increased from $4,000 to $5,000 per semester to account for increasing tuition costs.

The substance of current §4.25(j)(1) is moved into new subsection (i)(2) because it directly relates to the default of the grant agreement. Subsection (i)(2) also provides that college credit hours received while attending high school, will not be considered in determining whether the repayment of grant funds is required if there is a default. This provision is added to clarify that participants who came into the program with dual credit college hours while attending high school will not be held to a different repayment requirement than a person who enters the program as a first-year college student.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Education Code, §56.144, which requires the department to adopt rules for the selection for grants under the conditional grant program, and Education Code, §56.145, which authorizes the department to adopt rules to establish conditions under which all or part of a conditional grant is required to be repaid.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING - Education Code, Chapter 56, Subchapter I.

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 June 24, 2026.

TRD-202602603
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Effective date: July 14, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 486-5300

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CHAPTER 12. PUBLIC DONATION AND PARTICIPATION PROGRAM

The Texas Department of Transportation (department) adopts amendments to §12.2 concerning Definitions and repeal of §12.5 concerning the Landscape Cost Sharing Program. The amendments to §12.2 and repeal of §12.5 are adopted without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2351) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS AND REPEAL

This rulemaking repeals §12.5, Landscape Cost Sharing Program, because the program is no longer funded.

The history of the Landscape Cost Sharing Program (program) is not fully documented, but available records indicate that it has been in place since 1985 and was historically funded through an allocation from the Texas Transportation Commission (commission).

The purpose of the program is to allow individuals, private businesses, organizations, and local governments an opportunity to support the aesthetic improvement of the state highway system by sharing the project development, establishment, and maintenance costs of landscaping the state highway system. Section 12.5 sets forth policies and procedures governing the program.

Although no funding has been allocated to the program since approximately 2008, several other programs and mechanisms remain available for individuals, private businesses, and local governments to participate in landscaping projects. These include Advanced Funding Agreements under Chapter 15, Subchapter E, the Adopt-a-Highway for Landscaping Program (§12.4), and the Landscape Partnership Program (§12.7).

Amendments to §12.2, Definitions, delete the definition of "pedestrian landscaping" because the term was used only in the §12.5 program that is being repealed.

Section 12.5, Landscape Cost Sharing Program, is repealed.

COMMENTS

No comments on the proposed amendment and repeal were received.

SUBCHAPTER A. PUBLIC PARTICIPATION PROGRAMS

43 TAC §12.2

STATUTORY AUTHORITY

The amendment is adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §392.003, which authorizes the commission to establish rules concerning donations for landscape installation and maintenance.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, §392.003.

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 June 24, 2026.

TRD-202602604
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Effective date: July 14, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 416-2653

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43 TAC §12.5

STATUTORY AUTHORITY

The repeal is adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §392.003, which authorizes the commission to establish rules concerning donations for landscape installation and maintenance.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, §392.003.

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 June 24, 2026.

TRD-202602605
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Effective date: July 14, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 416-2653

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Texas

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 Higher Education Coordinating Board

Title 19, Part 1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 1, Subchapter O, Learning Technology Advisory Committee, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 1, Subchapter O, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 1, Subchapter O.

TRD-202602643
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Filed: June 26, 2026

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The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 11, Subchapter A, Purpose, Authority, and Definitions, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 11, Subchapter A, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 11, Subchapter A.

TRD-202602656
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Filed: June 26, 2026

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The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 11, Subchapter B, General Provisions, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 11, Subchapter B, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 11, Subchapter B.

TRD-202602658
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Filed: June 26, 2026

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The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 17, Subchapter D, Energy Saving Performance Contracts, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 17, Subchapter D, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 17, Subchapter D.

TRD-202602659
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Filed: June 26, 2026

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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: 19 TAC §4.52(b)

APPLICABILITY CATEGORIES			
Category	**Student**	**Subject Area**	**Time Period**
Prior or Current Academic Coursework	Student has earned an associate or baccalaureate degree from an institution of higher education	All	No expiration
	Student transfers from a private or independent institution of higher education or an accredited out-of-state institution of higher education and has satisfactorily completed college-level coursework	The subject area in which the student has satisfactorily completed college-level coursework	No expiration
	Student is enrolled in a certificate program of one year or less at a public junior college, public technical institute, or public state college	All	Applicable while the student is enrolled in the certificate program of one year or less
Military Service	Student is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States	All	Applicable while the student is serving on active duty
	Student was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States	All	No expiration
Public Officers and Employees	Student is certified as an emergency medical technician under Chapter 773, Health and Safety Code and employed by a political subdivision	All	Applicable while the student is employed more than 20 hours/week by a political subdivision
	Student is a fire protection personnel as defined in Section 419.021, Government Code.	All	Applicable while the student is employed more

			than 20 hours/week as fire protection personnel
	Student is elected, appointed, or employed to serve as a peace officer described by Article 2A.001, Code of Criminal Procedure, or other law.	All	Applicable while the student is employed more than 20 hours/week to serve as a peace officer

Figure: 22 TAC §206.2(c)

Activity Category	Specific Activities Included
Anatomical Education	Dissection by faculty, staff and students in an accredited educational program; observation of dissection; identification of anatomical structures; preparation of prosections; cross-sectional and regional anatomy; comparative anatomy with imaging; cadaveric anatomy review by health professionals.
Surgical Training	Hands-on surgical skills training; cadaveric surgical courses; new-procedure, revision, and complication-management training; team-based and simulated operating-room training; training using fluoroscopy, ultrasound, navigation, or robotic systems on a cadaver.
Medical Device & Technology Development	Device testing, validation, and verification; fit and feasibility studies; usability testing; implant placement and removal practice; instrument development; biomechanical evaluation; testing of imaging, robotic, AI, or navigation systems; pre-market and post-market evaluation.
Research	Anatomical, tissue, cellular, and biomechanical research; pharmacological and toxicological research; novel preservation techniques; comparative-effectiveness and translational research; disease-pathology and surgical-outcomes research using cadaveric models.
Experimentation	Experimentation on a body or anatomical specimen to further medical or forensic science, as expressly authorized by §691.033(a), including testing or developing new or modified techniques, devices, materials, procedures, preservatives, or methods.
Forensic Science	Decomposition and taphonomy studies; forensic anthropology and pathology training; entomology research; trauma-pattern analysis; human-remains-detection canine training; forensic odontology.

Mortuary Science Education	Funeral-services, embalming, and restorative-arts training; mortuary practicum; preparation-room procedures; chemistry of preservation.
Preparation & Preservation	Embalming and arterial preservation using approved methods by a licensed embalmer under Chapter 651, Occupations Code; fresh-frozen preservation; perfusion using non-preservation methods; plastination; partial preservation; preparation for transport or dissection; thawing and reconditioning; antimicrobial or anti-decomposition treatment such as cleansing the exterior of the body.
Disarticulation & Segmentation	Disarticulation and segmentation of a whole body into anatomical specimens; separation of organs and structures; defleshing; preparation of skeletal and teaching specimens.
Transport & Storage	Transport to and between authorized recipients; cold-chain and frozen storage; packaging and repackaging; container labeling consistent with §691.031(a)(2); transport across state lines or internationally consistent with applicable law.
Documentation & Media	Photography, videography, imaging, scanning, and other recording for educational, research, training, or documentation purposes consistent with donor consent under §691.028 and §206.7 of this title (relating to Educational Use of Anatomical Material; Prohibition of Public Display), including obscuring identifying features when displayed beyond direct educational use.
Disposition	Cremation; cremation with return of cremated remains; burial; disposition of derived specimens consistent with donor consent.
Incidental & Necessary	Activities reasonably incidental or necessary to any activity above, including handling by trained personnel, infection-control and biohazard management, and inter-facility coordination.

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 - May 2026

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 May 2026 is $49.94 per barrel for the three-month period beginning on February 1, 2026, and ending April 30, 2026. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of May 2026, 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 May 2026 is $1.28 per mcf for the three-month period beginning on February 1, 2026, and ending April 30, 2026. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of May 2026, 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 May 2026 is $98.51 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 May 2026, 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 May 2026 is $2.96 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 May 2026, 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 1, 2026.

TRD-202602703
Jenny Burleson
General Counsel/Director, Tax Policy
Comptroller of Public Accounts
Filed: July 1, 2026

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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, 303.005, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/06/26 - 07/12/26 is 18.00% for consumer[1] credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/06/26 - 07/12/26 is 18.00% for commercial[2] credit.

The monthly ceiling as prescribed by §303.005[3] and §303.009 for the period of 07/01/26 - 07/30/26 is 18.00%.

[1] Credit for personal, family, or household use.

[2] Credit for business, commercial, investment, or other similar purpose.

[3] Only for variable rate commercial transactions, as provided by §303.004(a)

TRD-202602699
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: July 1, 2026

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Credit Union Department

Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final action taken in the following application:

Articles of Incorporation - Approved

Galveston Government Employees Credit Union of Texas - See *Texas Register* dated on May 29, 2026.

TRD-202602686
Robert W. Etheridge
Commissioner
Credit Union Department
Filed: June 30, 2026

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Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, 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 10, 2026**. 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 require-

ments 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 physical 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. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **August 10, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: AMERICAN RELIGIOUS TOWN HALL MEETING, INC; DOCKET NUMBER: 2025-1857-MWD-E; IDENTIFIER: RN105460646; LOCATION: Whitney, Hill County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $46,000; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(2) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2026-0361-PWS-E; IDENTIFIER: RN102672946; LOCATION: Chandler, Henderson County; TYPE OF FACILITY: public water supply; PENALTY: $780; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(3) COMPANY: ArcelorMittal Texas HBI LLC; DOCKET NUMBER: 2026-0319-AIR-E; IDENTIFIER: RN106597875; LOCATION: Portland, San Patricio County; TYPE OF FACILITY: direct reduced iron/hot briquetting iron production plant; PENALTY: $7,250; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(4) COMPANY: BAZAN, BALTAZAR; DOCKET NUMBER: 2025-0625-MLM-E; IDENTIFIER: RN111826889; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: air curtain incinerator; PENALTY: $246,778; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(5) COMPANY: Backroads Brewing Company LLC; DOCKET NUMBER: 2026-0147-PWS-E; IDENTIFIER: RN110606985; LOCATION: Dripping Springs, Hays County; TYPE OF FACILITY: public water supply; PENALTY: $13,327; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: CR Permian Processing, LLC; DOCKET NUMBER: 2026-0301-AIR-E; IDENTIFIER: RN109513416; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: compressor station; PENALTY: $11,250; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(7) COMPANY: CSWR-TEXAS UTILITY OPERATING COMPANY, LLC; DOCKET NUMBER: 2025-0688-PWS-E; IDENTIFIER: RN101208296; LOCATION: Floresville, Wilson County; TYPE OF FACILITY: public water supply; PENALTY: $16,039; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(8) COMPANY: Celanese Ltd.; DOCKET NUMBER: 2026-0127-AIR-E; IDENTIFIER: RN100258060; LOCATION: Bay City, Matagorda County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $22,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $11,250; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(9) COMPANY: Chevron Phillips Chemical Company LP; DOCKET NUMBER: 2025-1754-AIR-E; IDENTIFIER: RN102018322; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $8,975; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,590; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: City of Adrian; DOCKET NUMBER: 2025-1325-PWS-E; IDENTIFIER: RN101188621; LOCATION: Adrian, Oldham County; TYPE OF FACILITY: public water supply; PENALTY: $5,232; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $5,232; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: City of Aransas Pass; DOCKET NUMBER: 2022-1076-MLM-E; IDENTIFIER: RN102076452; LOCATION: Aransas Pass, San Patricio County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $109,388; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $87,511; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(12) COMPANY: City of Chillicothe; DOCKET NUMBER: 2023-1596-PWS-E; IDENTIFIER: RN101389542; LOCATION: Chillicothe, Hardeman County; TYPE OF FACILITY: public water supply; PENALTY: $3,175; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,175; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(13) COMPANY: City of Edna; DOCKET NUMBER: 2023-0544-MLM-E; IDENTIFIER: RN100525328; LOCATION: Edna, Jackson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $81,181; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $64,945; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(14) COMPANY: City of Mathis; DOCKET NUMBER: 2021-1596-MWD-E; IDENTIFIER: RN102075181; LOCATION: Mathis, San

Patricio County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $81,802; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $65,442; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(15) COMPANY: City of Snyder; DOCKET NUMBER: 2022-0996-MWD-E; IDENTIFIER: RN101916898; LOCATION: Snyder, Scurry County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $11,475; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $9,180; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(16) COMPANY: City of Trinity; DOCKET NUMBER: 2022-1204-PWS-E; IDENTIFIER: RN101218105; LOCATION: Trinity, Trinity County; TYPE OF FACILITY: public water supply; PENALTY: $44,056; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $35,245; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(17) COMPANY: Covestro LLC; DOCKET NUMBER: 2026-0241-AIR-E; IDENTIFIER: RN100209931; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $5,250; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(18) COMPANY: ETC Gas Processing, LLC; DOCKET NUMBER: 2025-0437-AIR-E; IDENTIFIER: RN101974582; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: compressor station; PENALTY: $8,750; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: Enbridge Ingleside Oil Pipeline, LLC; DOCKET NUMBER: 2026-0350-AIR-E; IDENTIFIER: RN108439308; LOCATION: Taft, San Patricio County; TYPE OF FACILITY: crude oil breakout tank site; PENALTY: $4,226; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(20) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2026-0269-AIR-E; IDENTIFIER: RN100210319; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $5,250; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(21) COMPANY: Forestar Real Estate Group Inc.; DOCKET NUMBER: 2025-1640-WQ-E; IDENTIFIER: RN111146346; LOCATION: Magnolia, Montgomery County; TYPE OF FACILITY: construction site; PENALTY: $5,138; ENFORCEMENT COORDINATOR: Cynthia Sidoa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(22) COMPANY: Goya Foods Of Texas, Inc.; DOCKET NUMBER: 2025-1090-IWD-E; IDENTIFIER: RN106514482; LOCATION: Brookshire, Waller County; TYPE OF FACILITY: canning processing plant; PENALTY: $105,593; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $52,796; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(23) COMPANY: HCA HEALTHCARE INC; DOCKET NUMBER: 2025-1911-PST-E; IDENTIFIER: RN111183828; LOCATION: Frisco, Collin County; TYPE OF FACILITY: medical facility with an emergency generator; PENALTY: $10,535; ENFORCEMENT COORDINATOR: Ramyia Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(24) COMPANY: Lyondell Chemical Company; DOCKET NUMBER: 2026-0109-AIR-E; IDENTIFIER: RN100633650; LOCATION: Channelview, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $5,250; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(25) COMPANY: Molson Coors USA LLC; DOCKET NUMBER: 2026-0258-AIR-E; IDENTIFIER: RN102649399; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: beer brewery; PENALTY: $4,950; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(26) COMPANY: Motiva Enterprises LLC; DOCKET NUMBER: 2025-1210-AIR-E; IDENTIFIER: RN100217389; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petrochemical plant; PENALTY: $23,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $11,875; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(27) COMPANY: Oneok Delaware Midstream, LLC; DOCKET NUMBER: 2024-0536-AIR-E; IDENTIFIER: RN107914277; LOCATION: Mentone, Loving County; TYPE OF FACILITY: natural gas processing plant; PENALTY: $21,189; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(28) COMPANY: Quarters, LLC; DOCKET NUMBER: 2026-0247-MWD-E; IDENTIFIER: RN100574243; LOCATION: Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $7,125; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(29) COMPANY: Rio Grande Electric Cooperative, Inc.; DOCKET NUMBER: 2025-0862-PST-E; IDENTIFIER: RN101633832; LOCATION: Brackettville, Kinney County; TYPE OF FACILITY: fleet refueling facility; PENALTY: $4,701; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(30) COMPANY: SADDLE & SURREY ACRES WATER SUPPLY CORPORATION; DOCKET NUMBER: 2023-0561-PWS-E; IDENTIFIER: RN101241008; LOCATION: Montgomery, Montgomery County; TYPE OF FACILITY: public water supply; PENALTY: $900; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(31) COMPANY: SAIA Motor Freight Line, LLC; DOCKET NUMBER: 2024-0779-PST-E; IDENTIFIER: RN100633544; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: fleet refueling facility; PENALTY: $19,804; ENFORCEMENT COORDINATOR: Ramyia Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(32) COMPANY: SILVER LEAF COMMUNITIES, LLC; DOCKET NUMBER: 2026-0075-WQ-E; IDENTIFIER: RN112310297; LOCATION: Greenwood, Midland County; TYPE OF FACILITY: construction site; PENALTY: $6,750; ENFORCEMENT COORDINATOR: Cynthia Sidoa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(33) COMPANY: SK Primacor Americas LLC; DOCKET NUMBER: 2026-0267-AIR-E; IDENTIFIER: RN110300126; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $10,800; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(34) COMPANY: TA Operating LLC; DOCKET NUMBER: 2025-1863-MWD-E; IDENTIFIER: RN106899230; LOCATION: Sealy, Colorado County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $9,375; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(35) COMPANY: Texan Concrete Enterprise Ready Mix, Inc.; DOCKET NUMBER: 2025-1885-WQ-E; IDENTIFIER: RN111127635; LOCATION: Porter, Montgomery County; TYPE OF FACILITY: concrete batch plant; PENALTY: $1,925; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(36) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2025-0413-PST-E; IDENTIFIER: RN101734036; LOCATION: Clarksville, Red River County; TYPE OF FACILITY: fleet refueling facility; PENALTY: $23,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $19,000; ENFORCEMENT COORDINATOR: Ramyia Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(37) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2025-0597-MWD-E; IDENTIFIER: RN102078862; LOCATION: Livingston, Polk County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $15,375; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(38) COMPANY: Texas Water Utilities, L.P.; DOCKET NUMBER: 2026-0321-PWS-E; IDENTIFIER: RN101450286; LOCATION: Pottsboro, Grayson County; TYPE OF FACILITY: public water supply; PENALTY: $3,375; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(39) COMPANY: The University of Texas System; DOCKET NUMBER: 2026-0271-WQ-E; IDENTIFIER: RN111123659; LOCATION: Odessa, Ector County; TYPE OF FACILITY: municipal separate storm sewer system; PENALTY: $8,625; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(40) COMPANY: Titan NP35 Phase II, LLC; DOCKET NUMBER: 2025-1879-EAQ-E; IDENTIFIER: RN112218342; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: construction site; PENALTY: $18,000; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(41) COMPANY: Trophy Club Municipal Utility District No. 1; DOCKET NUMBER: 2024-1347-MLM-E; IDENTIFIER: RN101520286; LOCATION: Trophy Club, Denton County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $48,725; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $38,980; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(42) COMPANY: United Natural Foods West, Inc.; DOCKET NUMBER: 2026-0489-AIR-E; IDENTIFIER: RN105469142; LOCATION: Lancaster, Dallas County; TYPE OF FACILITY: food distribution site; PENALTY: $13,250; ENFORCEMENT COORDINATOR: Caleb Martin, (512) 239-2091; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(43) COMPANY: Utilities, Inc. of Texas; DOCKET NUMBER: 2025-1149-MWD-E; IDENTIFIER: RN104517016; LOCATION: Del Valle, Bastrop County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $4,125; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(44) COMPANY: Valero Energy Partners LP; DOCKET NUMBER: 2025-1696-AIR-E; IDENTIFIER: RN109734970; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum bulk station; PENALTY: $6,800; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $2,720; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(45) COMPANY: WEHMEYER, BAILEY; DOCKET NUMBER: 2026-0435-PWS-E; IDENTIFIER: RN101201036; LOCATION: Shiro, Grimes County; TYPE OF FACILITY: public water supply; PENALTY: $620; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(46) COMPANY: Westlake Epoxy Inc.; DOCKET NUMBER: 2026-0312-AIR-E; IDENTIFIER: RN102590775; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: resin manufacturing plant; PENALTY: $6,650; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(47) COMPANY: White River Municipal Water District; DOCKET NUMBER: 2023-0707-PWS-E; IDENTIFIER: RN102673449; LOCATION: White River, Crosby County; TYPE OF FACILITY: public water supply; PENALTY: $4,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,300; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202602682

Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: June 30, 2026

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Enforcement Orders

An agreed order was adopted regarding Owens Excavation LLC, Docket No. 2024-0047-WQ-E on June 30, 2026 assessing $7,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, 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 Sabine River Authority of Texas, Docket No. 2024-0717-MWD-E on June 30, 2026 assessing $10,500 in administrative penalties with $2,100 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 the City of De Kalb, Docket No. 2024-1186-MWD-E on June 30, 2026 assessing $3,375 in administrative penalties with $675 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, 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 ELMONT FOOD MART, INC., Docket No. 2024-1320-PST-E on June 30, 2026 assessing $4,801 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 the City of Poteet, Docket No. 2024-1741-MWD-E on June 30, 2026 assessing $4,425 in administrative penalties with $885 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 Dennis L. Godfrey, Docket No. 2024-1887-WR-E on June 30, 2026 assessing $1,500 in administrative penalties with $300 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 MDV SpartanNash, LLC, Docket No. 2025-0276-PST-E on June 30, 2026 assessing $5,250 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Rachel Murray, 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 El Compa #1 LLC dba El Compa Tire Shop, Alma Delia Gonzalez, and Jose Ricardo Gonzalez, Docket No. 2025-0369-MSW-E on June 30, 2026 assessing $6,825 in administrative penalties with $1,365 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegelu, 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 Linde Inc., Docket No. 2025-0655-IWD-E on June 30, 2026 assessing $6,300 in administrative penalties with $1,260 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Occidental Permian Ltd, Docket No. 2025-0669-AIR-E on June 30, 2026 assessing $7,500 in administrative penalties with $1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 South Bay Gunite Incorporated, Docket No. 2025-0886-EAQ-E on June 30, 2026 assessing $6,424 in administrative penalties with $1,284 deferred. Information concerning any aspect of this order may be obtained by contacting Adriana Fuentes, 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 Town of Shady Shores, Docket No. 2025-0954-WQ-E on June 30, 2026 assessing $4,500 in administrative penalties with $900 deferred. Information concerning any aspect of this order may be obtained by contacting Cynthia Sidoa, 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 JET UNDERGROUND UTILITIES. INC., Docket No. 2025-0981-WQ-E on June 30, 2026 assessing $9,000 in administrative penalties with $1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Paradise Independent School District, Docket No. 2025-0983-MWD-E on June 30, 2026 assessing $10,875 in administrative penalties with $2,175 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Southwestern Bell Telephone Company, LLC, Docket No. 2025-1019-PST-E on June 30, 2026 assessing $2,625 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Rachel Murray, 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 Almeda Fuels LLC dba Almeda Fuels, Docket No. 2025-1105-PST-E on June 30, 2026 assessing $11,215 in administrative penalties with $2,243 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, 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 DAVIS BAYOU SERVICE COMPANY, Docket No. 2025-1142-PWS-E on June 30, 2026 assessing $2,837 in administrative penalties with $567 deferred. Information concerning any aspect of this order may be obtained by contacting De'Shaune Blake, 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 MC. D. C., INC. dba Honeys Drive In, Docket No. 2025-1251-PST-E on June 30, 2026 assess-

ing $4,575 in administrative penalties with $915 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, 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 Ebeling Water Supply Corporation, Docket No. 2025-1290-MLM-E on June 30, 2026 assessing $687 in administrative penalties with $137 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, 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 Stolthaven Houston, Inc., Docket No. 2025-1347-AIR-E on June 30, 2026 assessing $10,438 in administrative penalties with $2,087 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, 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 Clariant Corporation, Docket No. 2025-1498-AIR-E on June 30, 2026 assessing $4,462 in administrative penalties with $892 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, 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 Silver Spur Energy Services Inc, Docket No. 2025-1509-MLM-E on June 30, 2026 assessing $4,500 in administrative penalties with $900 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, 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 Horseshoe Bend Water Company LLC, Docket No. 2025-1517-PWS-E on June 30, 2026 assessing $4,725 in administrative penalties with $945 deferred. Information concerning any aspect of this order may be obtained by contacting Hilda Iyasele, 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 the City of Valentine, Docket No. 2025-1520-PWS-E on June 30, 2026 assessing $3,240 in administrative penalties with $648 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine Argueta, 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 Altman Specialty Plants, LLC, Docket No. 2025-1546-WQ-E on June 30, 2026 assessing $3,750 in administrative penalties with $750 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, 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 Caliche Now, LLC, Docket No. 2025-1576-AIR-E on June 30, 2026 assessing $7,500 in administrative penalties with $1,500 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 the City of Houston, Docket No. 2025-1597-PWS-E on June 30, 2026 assessing $1,020 in administrative penalties with $204 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, 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 S - Yb Construction LLC, Docket No. 2025-1634-AIR-E on June 30, 2026 assessing $1,625 in administrative penalties with $325 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, 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 PIA CAPITAL, LLC and Central Texas Stone and Aggregate, LLC, Docket No. 2025-1672-EAQ-E on June 30, 2026 assessing $5,250 in administrative penalties with $1,050 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, 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 Covenant Health System, Docket No. 2025-1694-AIR-E on June 30, 2026 assessing $3,375 in administrative penalties with $675 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, 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 Montgomery County Municipal Utility District No. 105, Docket No. 2025-1706-MWD-E on June 30, 2026 assessing $4,688 in administrative penalties with $937 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 Erika Moss and Timothy Moss Jr., Docket No. 2025-1714-MLM-E on June 30, 2026 assessing $8,671 in administrative penalties with $1,734 deferred. Information concerning any aspect of this order may be obtained by contacting Ramyia Wendt, 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 TDIndustries, Inc., Docket No. 2025-1735-PWS-E on June 30, 2026 assessing $813 in administrative penalties with $162 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, 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 Altman Specialty Plants, LLC, Docket No. 2025-1747-WQ-E on June 30, 2026 assessing $3,750 in administrative penalties with $750 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 Harris County Municipal Utility District 530, Docket No. 2025-1767-MWD-E on June 30, 2026 assessing $6,375 in administrative penalties with $1,275 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, 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 M.P.G. Pipeline Contractors, LLC, Docket No. 2025-1807-AIR-E on June 30, 2026 assessing $10,125 in administrative penalties with $2,025 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 IDIM CONSTRUCTION, LLC, Docket No. 2025-1817-WQ-E on June 30, 2026 assessing $8,625 in administrative penalties with $1,725 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, 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 Texas Department of Transportation, Docket No. 2025-1825-MWD-E on June 30, 2026 assessing $4,575 in administrative penalties with $915 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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. 2025-1899-AIR-E on June 30, 2026 assessing $11,361 in administrative penalties with $2,272 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, 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 Croell, Inc., Docket No. 2025-1902-AIR-E on June 30, 2026 assessing $1,875 in administrative penalties with $375 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, 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 EL CAMINO TRUCK STOP, LLC dba Fill and Run Truck Stop, Docket No. 2025-1928-PST-E on June 30, 2026 assessing $4,971 in administrative penalties with $994 deferred. Information concerning any aspect of this order may be obtained by contacting Celicia Garza, 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 Colt Gathering (North Texas) L.P., Docket No. 2026-0026-AIR-E on June 30, 2026 assessing $4,063 in administrative penalties with $812 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, 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 Valero Energy Partners LP, Docket No. 2026-0151-AIR-E on June 30, 2026 assessing $4,900 in administrative penalties with $980 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 Trinity Turbine Real Estate, LLC, Docket No. 2026-0224-PWS-E on June 30, 2026 assessing $1,880 in administrative penalties with $360 deferred. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, 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 Resolute Natural Resources Company, LLC, Docket No. 2026-0270-AIR-E on June 30, 2026 assessing $6,250 in administrative penalties with $1,250 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.

TRD-202602701
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 1, 2026

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Enforcement Orders

An agreed order was adopted regarding the City of Point, Docket No. 2021-0738-MLM-E on July 1, 2026 assessing $150,157 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, 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 ISP Technologies Inc., Docket No. 2022-0201-AIR-E on July 1, 2026 assessing $39,810 in administrative penalties with $7,962 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, 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 Northside Independent School District, Docket No. 2022-0948-MWD-E on July 1, 2026 assessing $22,500 in administrative penalties with $4,500 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 Freeport LNG Development, L.P., Docket No. 2022-1255-AIR-E on July 1, 2026 assessing $129,050 in administrative penalties with $25,810 deferred. Information concerning any aspect of this order may be obtained by contacting Katie Phillips, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding 117 Concepts, LLC, Docket No. 2023-0414-PWS-E on July 1, 2026 assessing $2,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, 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 the City of Taft, Docket No. 2023-1034-PWS-E on July 1, 2026 assessing $18,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, 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 FOR FUELS LLC dba Extra Miles Truck Stop, Docket No. 2023-1076-PST-E on July 1, 2026 assessing $18,026 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, 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 SOUTHWESTERN PUBLIC SERVICE COMPANY, Docket No. 2023-1274-AIR-E on July 1, 2026 assessing $16,500 in administrative penalties with $3,300 deferred. Information concerning any aspect of this order may be obtained by con-

tacting Trenton White, 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 Undine Texas, LLC, Docket No. 2023-1405-PWS-E on July 1, 2026 assessing $9,300 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, 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 the City of Trenton, Docket No. 2023-1740-MWD-E on July 1, 2026 assessing $22,750 in administrative penalties with $4,550 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Highline Warren, LLC, Docket No. 2023-1794-IHW-E on July 1, 2026 assessing $29,500 in administrative penalties with $5,900 deferred. Information concerning any aspect of this order may be obtained by contacting Katie Phillips, 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 TOM-TOM INVESTMENTS, INC. dba Texas Meat Market 4, Docket No. 2024-0593-PST-E on July 1, 2026 assessing $39,028 in administrative penalties with $7,805 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, 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 Rivercrest Independent School District, Docket No. 2024-0983-MWD-E on July 1, 2026 assessing $15,750 in administrative penalties with $3,150 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, 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 Southern Montgomery County Municipal Utility District, Docket No. 2024-1645-MWD-E on July 1, 2026 assessing $28,125 in administrative penalties with $5,625 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Gulf Coast Authority, Docket No. 2024-1646-MWD-E on July 1, 2026 assessing $73,600 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 the City of Bulverde, Docket No. 2024-1647-WQ-E on July 1, 2026 assessing $47,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, 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 Castle Energy Group, LLC, Empire Group, Inc. and Lonnie Clark Conner, Docket No. 2024-1802-MLM-E on July 1, 2026 assessing $14,008 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 THE SALVATION ARMY, Docket No. 2024-1806-MWD-E on July 1, 2026 assessing $23,250 in administrative penalties with $4,650 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 the City of Beasley, Docket No. 2025-0586-MWD-E on July 1, 2026 assessing $56,187 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Southwestern Public Service Company, Docket No. 2025-0614-AIR-E on July 1, 2026 assessing $14,488 in administrative penalties with $2,897 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, 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 MORIAH TFS OPERATIONS, LLC, Docket No. 2025-0827-MLM-E on July 1, 2026 assessing $22,032 in administrative penalties with $4,406 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, 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 Arvell Rabe, Docket No. 2025-0947-MSW-E on July 1, 2026 assessing $3,937 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, 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 Shell Chemical LP, Docket No. 2025-0987-IWD-E on July 1, 2026 assessing $102,716 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 PLANTATION ORCHARD, L.P., Docket No. 2025-1038-WQ-E on July 1, 2026 assessing $18,375 in administrative penalties with $3,675 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, 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 the City of Brownfield, Docket No. 2025-1125-MSW-E on July 1, 2026 assessing $30,000 in administrative penalties with $6,000 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, 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 the City of Pecos City, Docket No. 2025-1134-PWS-E on July 1, 2026 assessing $31,655 in administrative penalties with $6,331 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, 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 Liberty Utilities (Woodmark Sewer) Corp., Docket No. 2025-1234-MWD-E on July 1, 2026 assessing $162,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 LYONDELL CHEMICAL COMPANY, Docket No. 2025-1242-AIR-E on July 1, 2026 assessing $140,438 in administrative penalties with $28,087 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, 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 Texas Department of Criminal Justice, Docket No. 2025-1276-PWS-E on July 1, 2026 assessing $1,312 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine Mckinney, 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 Hobas Pipe USA, Inc., Docket No. 2025-1345-AIR-E on July 1, 2026 assessing $35,100 in administrative penalties with $7,020 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 TA Operating LLC, Docket No. 2025-1615-PST-E on July 1, 2026 assessing $22,353 in administrative penalties with $4,470 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.

An agreed order was adopted regarding Targa Midstream Services LLC, Docket No. 2025-1693-AIR-E on July 1, 2026 assessing $13,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, 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 BIROME WATER SUPPLY CORPORATION, Docket No. 2025-1723-PWS-E on July 1, 2026 assessing $3,810 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine Argueta, 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 Texas Water Utilities, LP, Docket No. 2025-1750-MWD-E on July 1, 2026 assessing $29,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, 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 Texas Water Utilities, L.P., Docket No. 2025-1752-MWD-E on July 1, 2026 assessing $34,650 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, 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 Bell County Water Control and Improvement District No. 3, Docket No. 2025-1778-MWD-E on July 1, 2026 assessing $37,675 in administrative penalties with $7,535 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, 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 the City of Graham, Docket No. 2025-1823-MWD-E on July 1, 2026 assessing $28,125 in administrative penalties with $5,625 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Brenntag Lubricants, LLC, Docket No. 2025-1836-WQ-E on July 1, 2026 assessing $55,338 in administrative penalties with $11,067 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Shumaker Enterprises, Inc., Docket No. 2026-0123-PWS-E on July 1, 2026 assessing $1,712 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, 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 Klaus Schmid dba AMC RV PARK, Docket No. 2026-0263-PWS-E on July 1, 2026 assessing $2,300 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202602702
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 1, 2026

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Notice of an Amendment to a Certificate of Adjudication Application No. 12-3018A

Notice Issued June 18, 2026

Donald Moffett and Robert Gober, 419 W 20th St. New York, New York 10011, seek to amend their portion of Certificate of Adjudication No. 21-3018 to correct the watercourse names, update the location of the existing diversion points, add a diversion point on Cord Spring Draw and two diversion reaches on Bullhead Creek in the Nueces River Basin and add a place of use for agricultural purposes in Real County. More information on the application and how to participate in the permitting process is given below.

The application and fees were received on March 28, 2023. Additional information was received on April 12, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 10, 2023.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by July 20, 2026. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 20, 2026. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by July 20, 2026.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/ by entering ADJ 3018 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at http://www.tceq.texas.gov./ Si desea información en español, puede llamar al (800) 687-4040 o por el internet al http://www.tceq.texas.gov.

TRD-202602606
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: June 24, 2026

♦ ♦ ♦

Notice of an Amendment to a Certificate of Adjudication Application No. 4318G

Notice Issued June 25, 2025

City of Waco, P.O. Box 2570, 300 Austin Avenue, Waco, Texas 76702-2209, seeks to amend Certificate of Adjudication No. 12-4318 to add industrial, recreation, and instream purposes of use and to authorize the diversion of its currently authorized water from anywhere on the perimeter of Lake Brazos. More information on the application and how to participate in the permitting process is given below.

The application was received on September 3, 2025. Partial fees were received on September 4, 2025. Additional fees were received on October 7, 2025. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 10, 2025.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by July 10, 2026. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 10, 2026. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by July 10, 2026.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[*I/we*] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/ by entering ADJ 4318 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al http://www.tceq.texas.gov.

TRD-202602694
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: June 30, 2026

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Notice of Correction to Agreed Order Number 22

In the June 5, 2026, issue of the *Texas Register* (51 TexReg 3827), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 22, for HILL

STONE COMPANY and Aaron Brothers Executor of the Estate of William Slade Sullivan; Docket Number 2025-0626-EAQ-E. The error is as submitted by the commission.

The reference to the Docket Number should be corrected to read: "2025-0626-MLM-E."

For questions concerning these errors, please contact Michael Parrish at (512) 239-2548.

TRD-202602683
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: June 30, 2026

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Notice of District Petition - D-05152026-023

Notice issued June 29, 2026

TCEQ Internal Control No. D-05152026-023: FM2729 LLC, FM 2729 Investment LLC, and FM 2729 Dane and Knobhill LLC, (Petitioners) filed a petition for creation of The Heavens Municipal Utility District of Grayson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are three lienholders, David S. Kohm and Stacy Michelle Kohm; MPM Rati, LLC; and, DSA Partners II, Ltd., on the property to be included in the proposed District and the lienholders consent to the creation of the proposed District; (3) the proposed District will contain approximately 470.46 acres located within Grayson County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic, and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm waters or other local harmful excesses of water in the proposed District; and, (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvement in aid of those roads; (5) purchase, construct, acquire, improve or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the proposed District is created. Additionally, it is further proposed that the proposed District be granted road powers pursuant to Texas Water Code, Section 54.234. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately $104,325,000.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202602695
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: June 30, 2026

♦ ♦ ♦

Notice of District Petition - D-06012026-002

Notice issued June 24, 2026

TCEQ Internal Control No. D-06012026-002: VSS Management, L.L.C., a Texas limited liability company and general partner of VSS Limited Partnership, a Texas limited partnership (Petitioner) filed a petition for the creation of Twin Bridges Municipal Utility District of Collin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The Petitioner submitted material evidence that the Petitioner holds title to a majority of value of the land to be included in the proposed District. Also the petition states that: (1) there is no lienholder on the property to be included in the proposed District; (2) the proposed District will contain approximately 224.109 acres located wholly within Collin County, Texas; and (3) none of the land to be included within the proposed District is located within the corporate limits or extraterritorial jurisdictions of any City, Town or Village. The petition further states that the general nature of the work proposed to be done by the District, as contemplated at the present time is to construct, maintain and operate water systems including the purchase and sale of water, for domestic and commercial purposes; construct, maintain and operate sanitary sewer collection system, treatment and disposal system, for domestic and commercial purposes; construct, install, maintain, purchase and operate drainage and roadway facilities and improvements; and construct, install, maintain, purchase, and operate facilities, systems, plants and enterprises of such additional facilities as shall be consistent with the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and

it is estimated by the Petitioner that the cost of said project will be approximately $68,615,000 ($47,945,000 for water, wastewater, and drainage plus $20,670,000 for road projects).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202602607
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: June 24, 2026

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Notice of Opportunity to Comment on Agreed 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 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 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 10, 2026**. 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 physical 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. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. 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 10, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: East Texas Commercial Properties, LLC; DOCKET NUMBER: 2023-0819-PST-E; TCEQ ID NUMBER: RN101789642; LOCATION: 1000 North University Drive, Nacogdoches, Nacogdoches County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: $5,000; 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: NRS Ventures LLC; DOCKET NUMBER: 2025-0531-PST-E; TCEQ ID NUMBER: RN101845618; LOCATION: 11025 East Farm-to-Market 917, Lillian, Johnson County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: $3,375; STAFF ATTORNEY: Milton Cousins, Litigation, MC 175, (512) 239-5776; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: TAS Environmental Services L.P.; DOCKET NUMBER: 2024-0449-MSW-E; TCEQ ID NUMBER: RN111025391; LOCATION: 3929 East California Parkway, Forest Hill, Tarrant County; TYPE OF FACILITY: a hazardous waste management facility and emergency response company; PENALTY: $10,563; 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.

TRD-202602692
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: June 30, 2026

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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 hear-

ing 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 10, 2026**. 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. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed DO's identifying information, such as its docket number. 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 10, 2025**. 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: City of Zavalla; DOCKET NUMBER: 2023-0634-MLM-E; TCEQ ID NUMBER: RN101386100; LOCATION: 242 East Main Street, Zavalla, Angelina County; TYPE OF FACILITY: a public water supply; PENALTY: $18,301; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: THUNDER SUN INC.; DOCKET NUMBER: 2025-0400-PWS-E; TCEQ ID NUMBER: RN102318094; LOCATION: 1818 114th Street, Lubbock, Lubbock County; TYPE OF FACILITY: a public water system; PENALTY: $6,952; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(3) COMPANY: VILLAGE APACS, INC.; DOCKET NUMBER: 2024-0854-DCL-E;TCEQ ID NUMBER: RN104100318; LOCATION: 3550 Legacy Drive, Frisco, Collin County; TYPE OF FACILITY: a dry cleaning facility; PENALTY: $927; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202602693
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: June 30, 2026

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Notice of Public Meeting Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 183195L001

Application. Qyk Brands LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration No. 183195L001, which would authorize construction of a temporary concrete batch plant located at 99 County Road 182, Liberty, Liberty County, Texas 77575. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en espanol está disponible en https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-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. https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.675472,30.043994&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 3, 2026. 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, July 27, 2026, at 7:00 p.m.

Liberty Elks Lodge #2019

650 Wallisville Road

Liberty, Texas 77575

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 Houston regional office, and at Liberty Municipal Library, 1710 Sam Houston Street, Liberty, Liberty County, Texas 77575. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit. The application, including any updates, is available electronically at the following webpage: https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

Further information may also be obtained from Qyk Brands LLC, P.O. Box 427, Raywood, Texas 77582-0427 or by calling Mr. Alexander Griffiths, Executive Administrator at (949) 506-6299.

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: June 24, 2026

TRD-202602608
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: June 24, 2026

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General Land Office

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 June 15, 2026 to June 26, 2026. 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 §§30.20(f), 30.30(h), and 30.40(e), 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 3, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, August 2, 2026.

Federal Agency Activities:

Applicant: U.S. Army Corps of Engineers, Galveston District

Location: The General Permit (GP) will be valid within navigable waters of the U.S. within the Galveston District Area of Operations boundaries, excluding waters located in Louisiana and the Gulf of America.

Project Description: This GP authorizes bed-leveling maintenance activities for currently authorized and serviceable ship berths, slips, and non-federal channels in navigable waters of the U.S. The GP is conditioned to result in no more than minimal impacts. The GP does not authorize temporary impacts or permanent loss of special aquatic sites and does not require compensatory mitigation. The intent of this Regional General Permit is to streamline the regulatory authorization for routine sediment redistribution that maintains authorized historic or engineered design depths without the need for extraction-based dredging operations.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2026-00365. This application will be reviewed pursuant Section 10 of the Rivers and Harbors Act of 1899.

CMP Project No: 26-1171-F2

Federal License and Permit Activities:

Applicant: TGS

Location: The project site is located within Cedar Bayou, adjacent to an existing dock facility, 1.2 miles southwest of the intersection of Farm to Market Road 1405 and Oscar Nelson Junior Drive, in Baytown, Chambers County, Texas.

Latitude and Longitude: 29.71106, -94.93357

Project Description: The applicant proposes reauthorization for previously approved work (SWG-2013-00821, originally issued May 12, 2014, and modified April 23, 2020), including mechanically dredging approximately 73,670 cubic yards (CY) of material from 3.30 acres of Cedar Bayou to reach a -12-foot NAVD 88 depth for construction of a new barge dock. The project includes permanent discharge of fill material into 0.05 acre of unvegetated bay bottom to install a 624-linear-foot bulkhead and 725 CY of concrete matting for bank stabilization and permanently filling 0.33 acre of estuarine wetlands. The proposed upland placement area for dredged material is 4.93 acres and is located approximately 700 feet southeast of the impact site.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States by designing the project to have the minimal footprint to achieve the project purpose. The project will avoid interference with public navigation and minimize adverse effects to aquatic resources through the use of Best Management Practices (BMPs) such as sediment fences, drainage modifications, and vegetative cover. The 2020 permit modification included a special condition requiring the purchase of 2.8 tidal mitigation credits from the Gulf Coast Plains Mitigation Bank to offset unavoidable impacts to waters of the US. The required credits were purchased on May 19, 2020.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2013-00821. This application will be reviewed pursuant Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. 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: 26-1162-F1

Applicant: Travis Ahlhorn

Location: The project site is located in Boggy Bayou, at 802 Taylor Avenue, in Port O'Connor, Calhoun County, Texas.

Latitude and Longitude: 28.454177, -96.416734

Project Description: This is an After-the-Fact permit application request. The applicant proposes to retain unauthorized discharges of fill material, excavation of a canal, construction of a bulkhead, and construction of a pier within waters of the United States (WOTUS) for the construction of a commercial development. Discharges included the placement of fill material into approximately 0.8-acre of wetlands consisting of 0.3-acre of tidal wetlands and 0.5-acre of non-tidal wetlands. Excavation included the removal of approximately 30,400 cubic yards of material to create an approximately 0.2-acre canal measuring 300-foot-long by 20-foot-wide and 4-foot deep with an adjoining 40-foot by 40-foot boat slip. The pier measures 210-square-foot total, extends 33 feet into Boggy Bayou, and sits 5-foot above the mean high water (MHW). Components of the pier include a 4-foot by 27-foot walkway and a 6-foot by 17-foot T-head.

The applicant has not proposed any compensatory mitigation. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may have resulted from the activity in accordance with 33 CFR § 332.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2013-00461. This application will be reviewed pursuant Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. 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: 26-1163-F1

Applicant: Port of Bay City Authority

Location: The project site is located within Matagorda Harbor, at 189 County Road 213, in Matagorda, Matagorda County, Texas.

Latitude and Longitude: 28.69568, -95.95482

Project Description: The applicant proposes to discharge approximately 905 cubic yards (CY) of fill material into 0.69-acre of Matagorda Harbor for the Matagorda Harbor Improvement Project. The project will include excavation and construction of a four-lane public boat launch facility with related appurtenances, including a parking lot and access road, floating docks, shoreline protection, lighting, public restroom, a fish cleaning station, fencing, educational signage, and replacing the existing concrete bag revetement. Specifically, the project consists of the following components:

Bank Stabilization and Boat Ramp: The applicant proposes to discharge 905 CY of fill material into 0.41-acre below the mean high water line, including 349 CY of rock and concrete within 0.17-acre for construction of a boat ramp, and 556 CY of rock and concrete in 0.24-acre to install approximately 50 linear feet of shoreline protection adjacent to the boat ramp. The project also includes excavation of 860 CY of fill material from 0.20-acre to a maximum depth of -10 feet below mean high tide, including 657.6 CY of material within 0.13-acre for the boat ramp and 202.8 CY of material within 0.08-acre for shoreline stabilization. The dredged material will be placed in a designated upland placement area on the applicant's property.

Pier and Dock: The applicant proposes work associated with the construction of a 280-square-foot boarding pier and 420-square-foot floating dock structure supported by 57 pilings. The piers will extend 102 feet into Matagorda Harbor.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by utilizing operational controls to minimize suspended sediments during construction and dewatering, avoiding special aquatic sites, and restricting equipment access to designated work areas. The project will also implement best management practices (BMPs) for construction activities and limit pile driving to the minimum duration necessary. The applicant has not proposed any compensatory mitigation because the project does not impact special aquatic sites, and the project footprint is the minimum size to achieve the project purpose. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2026-00259. This application will be reviewed pursuant Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. 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: 26-1167-F1

Applicant: Cheniere Energy

The project site is located in Corpus Christi Bay, at the La Quinta Ship Channel and the La Quinta Turning Basin, southeast of Gregory, in San Patrico County, Texas.

Latitude and Longitude: 27.878231, -97.258999

Project Description: The applicant proposes constructing the CCL Stage 4 Project, a new marine facility, associated with an expansion of their existing liquefied natural gas terminal. The proposed CCL Stage 4 Project consists of liquefaction trains, LNG storage tanks, flares, and supporting infrastructure, all of which would occur in uplands. Jurisdiction work associated with the proposed expansion includes one new marine berth, a jetty (LNG loading dock), and a marine offloading facility ("MOF"). Specifically, work within the Corps' jurisdiction includes the following:

- New dredging of 8.09 acres of open water, by manual or hydraulic dredging

- New dredging of 0.84 acre of tidal wetlands, by manual or hydraulic dredging

- Placing fill material into 0.55 acre of tidal wetlands for fill slope protection

The proposed project includes construction of the following structures in Corpus Christi Bay adjacent to the La Quinta Ship Channel:

- A new marine jetty with mooring and breasting dolphins, walkways and catwalks, including the above noted dredging to a depth of -45 feet below MLLW +2 foot over dredge, +2 foot advance maintenance

- A roll-on-roll-off dock and a life-on life-off dock for use as MOFs, including the above noted dredging to a depth of -30 feet below MLLW +2 foot over dredge, +2 foot advance maintenance

- Sheet pile bulkheading along the shoreline

- Placement of rip rap for shoreline protection along the shoreline and in dredged areas adjacent to the shoreline

Structures would be constructed a minimum of 562 feet from the top cut of the federal channel to a maximum of 956 feet from the top cut of the federal channel.

- The proposed project would require a total of 1.2 million cubic yards to be dredged in one cycle as new work dredging. Depending on capacity and availability, hydraulically dredged material is proposed to be placed into Dredged Material Placement Areas (DMPAs) 13, 14, Good Hope, and Ingleside. If found to be suitable, mechanically dredged material is proposed to be used for fill on the project site.

- Impacts associated with the proposed work would include dredging impacts to 0.55 acre of tidal high marsh, 0.29 acre of tidal low marsh, and 8.09 acres of seagrass beds. In addition, the 0.55 acre of tidal high marsh is proposed to be filled to construct and stabilize the sheet pile bulkhead (see impacts table on Page 13 of the project plan set https://www.swg.usace.army.mil/Portals/26/SWG-2022-00304_20260616_Project%20Plans_Red.pdf).

The proposed project would require a total of 1.2 million cubic yards to be dredged in one cycle as new work dredging. Depending on capacity and availability, hydraulically dredged material is proposed to be placed into Dredged Material Placement Areas (DMPAs) 13, 14, Good Hope, and Ingleside. If found to be suitable, mechanically dredged material is proposed to be used for fill on the project site.

Impacts associated with the proposed work would include dredging impacts to 0.55 acre of tidal high marsh, 0.29 acre of tidal low marsh, and 8.09 acres of seagrass beds. In addition, the 0.55 acre of tidal high marsh is proposed to be filled to construct and stabilize the sheet pile bulkhead (see impacts table on Page 13 of the project plan set).

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity through design considerations. Impacts to 0.49 acres of tidal wetland (0.11 acres high marsh and 0.39 acres low marsh) and 1.02 acres of seagrass were avoided through design considerations. The applicant has proposed to mitigate for the unavoidable loss of tidal wetlands and seagrass through compensatory mitigation and has prepared conceptual mitigation plan. At this time the proposed conceptual compensatory mitigation has not been verified or evaluated. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2007-01637. This application will be reviewed pursuant Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act of 1899. Note: The consistency review for this project may be conducted by The Railroad Commission of Texas as part of its certification under §401 of the Clean Water Act. The U.S. Army Corps of Engineers Galveston District has found that this permit request meets the terms of Executive Order 14156 and is therefore subject to special emergency permitting procedures and an expedited review process.

CMP Project No: 26-1168-F1e

Applicant: Rio Grande LNG Train 6, LLC

Location: The project site is located along the Brownsville Ship Channel (BSC), at the Existing Rio Grande liquified natural gas terminal, in Cameron County, Texas.

Latitude and Longitude: 26.016386, -97.261784

Project Description: The applicant proposes to mechanically and hydraulically dredge approximately 1.2 million cubic yards (CY) of material to create a berth (Berth 3) at a depth of -45 feet mean lower low water. Dredge material will be placed in dredge material placement areas (DMPA) 3, 4A, 4B, 5A, 5B or 7 as capacity allows. Placement operations during dredging may require the temporary installation of a submerged pipeline to transport the dredge material. To stabilize the shoreline, Berth 3 will have 12,000 CY of rip rap to approximately -16 feet elevation. Rip rap will be placed along the slopes using a long reach excavator or similar equipment from land or barge.

Structures at Berth 3 will consist of four breasting dolphins, six mooring dolphins, and a liquid natural gas (LNG) loading platform. Access to the LNG loading platform will be provided by a trestle that will support a 15-foot-wide roadway, a 4-foot-wide personnel walkway, LNG product piping, and auxiliary mechanical and electrical systems. The loading platform and trestle will be supported by steel piles. In addition, catwalks will be provided between the dolphins and the loading platform to provide personnel access. The breasting and mooring dolphins will be equipped with remote release hook assemblies with an integrated capstan.

The purpose of Berth 3 is to enable additional LNG carriers (LNGCs) to arrive at the RGLNG Terminal to accommodate the increased LNG production and to increase the efficiency and reliability of LNGC 2 loading while minimizing cargo loading delays due to adverse weather, maintenance activities, and unexpected vessel traffic; and optimizing LNG cargo-loading operations.

The applicant has stated the proposed project will not disturb special aquatic features, nor will the Project result in a loss of WOTUS; therefore, compensatory mitigation is not proposed. The Corps will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2015-00114. This application will be reviewed pursuant Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act of 1899. Note: The consistency review for this project may be conducted by The Railroad Commission of Texas as part of its certification under §401 of the Clean Water Act. The U.S. Army Corps of Engineers Galveston District has found that this permit request meets the terms of Executive Order 14156 and is therefore subject to special emergency permitting procedures and an expedited review process.

CMP Project No: 26-1170-F1e

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-202602680
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Filed: June 29, 2026

♦ ♦ ♦

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Updates to Medicaid Payment Rates

Hearing: The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on July 24, 2026, at 9:00 a.m. to receive public comments on proposed Medicaid payment rates for the Rural Hospital Obstetrics and Gynecology (OB-GYN) Standard Dollar Amount (SDA) add-on. Proposed legislative rate actions are based on Texas Government Code 526.0301 (b) and (c).

This hearing will be conducted both in person and online. Register for the hearing in advance using the following registration link to join from a computer, tablet, or smartphone:

Registration URL: https://attendee.gotowebinar.com/register/1969224682085828700

Register for the webinar. After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing in by phone will be provided after you register.

If you are new to GoToWebinar, download the GoToMeeting application in the GoTo app, https://global.gotomeeting.com/install/626873213, before the hearing begins.

Members of the public may attend the rate hearing in person, which will be held in the Public Hearing Room 1.401, 1.402, 1.403 & 1.404 in the North Austin Complex located at 4601 W Guadalupe St, Austin, Texas. HHSC will also broadcast the public hearing. The live stream of the meeting can be accessed in the HHSC Live and Archived Meetings webpage, https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings. For the live stream, select the "North Austin Complex Live" tab. A recording of the hearing will be archived and accessible on demand at the same website under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code Section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursement rates.

Any updates to the hearing details will be posted on the HHSC website in the HHSC Meetings and Events webpage, https://www.hhs.texas.gov/about/meetings-events.

Proposal: The rate actions for the following services are proposed to be effective Sept. 1, 2026:

(A) Legislative Rate Updates

A (1) Rural Hospital OB-GYN SDA add-on

Methodology and Justification: The proposed payment rates were calculated in accordance with the Texas State Plan Amendment pages 4.19-A 8h and 8h.1.

Rate Hearing Packet: A briefing packet describing the proposed updates will be made available in the HHSC Rate Packets website, https://pfd.hhs.texas.gov/rate-packets, on July 10, 2026. Interested parties may obtain a copy of the briefing packet on or after that date by contacting the Provider Finance Department (PFD) by telephone at (512) 730-7401, fax at (512) 730-7475, or email at PFD_Hospitals@hhs.texas.gov.

Written Comments: Written comments regarding the proposed payment rates may be submitted instead of, or in addition to, oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail, overnight mail, special delivery mail, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail or special delivery mail

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

North Austin Complex

4601 W. Guadalupe St.

Austin, Texas 78751

Telephone

(737) 867-7817

Fax

Attention: Provider Finance at (512) 730-7475

Email

pfd_hospitals@hhs.texas.gov

Preferred Communication: If possible, use email or phone to contact HHSC regarding this rate hearing for the quickest response.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing to request accommodations.

TRD-202602687
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: June 30, 2026

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Department of State Health Services

Notice Reinstating Clarifications to the Definitions of Tetrahydrocannabinols and Marihuana Extract to the 2021 Schedule of Controlled Substances, Pursuant to the Opinion Delivered by the Supreme Court of Texas on May 1, 2026.

Notice Reinstating Clarifications to the Definitions of Tetrahydrocannabinols and Marihuana Extract to the 2021 Schedule of Controlled Substances, Pursuant to the Opinion Delivered by the Supreme Court of Texas on May 1, 2026.

On November 8, 2021, in the case *Sky Marketing Corp., et al. v. Texas Department of State Health Services, and Dr. Jennifer Shuford, in her official capacity as Commissioner of the Texas DSHS*, Travis County District Court Judge Jan Soifer ordered the Department to "remove from its currently published Schedule of Controlled Substances the most recent modifications of the definitions to the following terms: '*(31) Tetrahydrocannabinols' and '*(58) Marihuana extract,' and any subsequent publications of the same (if any) until further order of this Court." DSHS published a notice of compliance with this order on January 21, 2022, 47 *TexReg* 175.

On May 1, 2026, the Supreme Court of Texas delivered its opinion reversing the judgment of the court of appeals as to the ultra vires and APA claims and reversing the trial court's order that granted the temporary injunction. On June 5, 2026, the mandate was issued dismissing Plaintiffs' claims.

DSHS therefore issues this notice reinstating previous modifications made to the definitions of tetrahydrocannabinols and marihuana extract in the 2021 Schedules of Controlled Substances. These modifications resulted from the Commissioner's objection to changes made by the Drug Enforcement Agency to the definitions to the extent that the definitions allow for the presence or addition of tetrahydrocannabinols aside from the presence of delta-9-tetrahydrocannabinol, including isomers and variants which may have pharmacological or psychoactive properties.

In the capacity as interim Commissioner of the Texas Department of State Health Services, Imelda Garcia, MPH, reinstates the definitions of tetrahydrocannabinols and marihuana extract as modified prior to the temporary injunction issued by the trial court.

Note: Changes are marked by an asterisk (*).

-Schedule I Hallucinogenic Substances

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of the substance's salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation (for the

purposes of this Schedule I hallucinogenic substances section only, the term "isomer" includes optical, positional, and geometric isomers):

(1) α-Ethyltryptamine (Other names: etryptamine; Monase; α-ethyl-1*H*-indole-3-ethanamine; 3-(2-aminobutyl) indole; α-ET; AET);

(2) 4-Bromo-2,5-dimethoxyamphetamine (Other names: 4-bromo-2,5-dimethoxy-α-methylphenethylamine; 4-bromo-2,5-DMA);

(3) 4-Bromo-2,5-dimethoxyphenethylamine (Other names: Nexus; 2C-B; 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; α-desmethyl DOB);

(4) 2,5-Dimethoxyamphetamine (Other names: 2,5-dimethoxy-α-methylphenethylamine; 2,5-DMA);

(5) 2,5-Dimethoxy-4-ethylamphetamine (Other name: DOET);

(6) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine, its optical isomers, salts and salts of isomers (Other name: 2C-T-7);

(7) 4-Methoxyamphetamine (Other names: 4-methoxy-α-methylphenethylamine; paramethoxyamphetamine; PMA);

(8) 5-Methoxy-3,4-methylenedioxyamphetamine (Other name: MMDA);

(9) 4-Methyl-2,5-dimethoxyamphetamine (Other names: 4-methyl-2,5-dimethoxy-α-methyl-phenethylamine; "DOM";"STP");

(10) 3,4-Methylenedioxyamphetamine (Other names: MDA; Love Drug);

(11) 3,4-Methylenedioxymethamphetamine (Other names: MDMA; MDM; Ecstasy; XTC);

(12) 3,4-Methylenedioxy-*N*-ethylamphetamine (Other names: *N*-ethyl-α-methyl-3,4(methylenedioxy)phenethylamine; *N*-ethyl MDA; MDE; MDEA);

(13) *N*-Hydroxy-3,4-methylenedioxyamphetamine (Other name: *N*-hydroxy MDA);

(14) 3,4,5-Trimethoxyamphetamine (Other name: TMA);

(15) 5-Methoxy-*N,N*-dimethyltryptamine (Other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);

(16) α-Methyltryptamine (Other name: AMT);

(17) Bufotenine (Other names: 3-β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N,N*-dimethyltryptamine; mappine);

(18) Diethyltryptamine (Other names: *N,N*-Diethyltryptamine; DET);

(19) Dimethyltryptamine (Other name: DMT);

(20) 5-Methoxy-*N,N*-diisopropyltryptamine (Other name: 5-MeO-DIPT);

(21) Ibogaine (Other names: 7-Ethyl-6,6-β-7,8,9,10,12,13-octhydro-2-methoxy-6,9-methano-5*H*-pyrido[1′,2′:1,2] azepino [5,4-b] indole; *Tabernanthe iboga);*

(22) Lysergic acid diethylamide;

(23) Marihuana, the term marihuana does not include hemp, as defined in Title 5, Agriculture Code, Chapter 121;

(24) Mescaline;

(25) Parahexyl (Other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo[b,d]pyran; Synhexyl);

(26) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as *Lophophora williamsii Lemaire*, whether growing or not, the seeds of the plant, an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;

(27) *N*-ethyl-3-piperidyl benzilate;

(28) *N*-methyl-3-piperidyl benzilate;

(29) Psilocybin;

(30) Psilocyn;

*(31) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), except for up to 0.3% delta-9-tetrahydrocannabinols in hemp (as defined under Texas Agriculture Code 121), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

1 cis or trans tetrahydrocannabinol, and their optical isomers;

6 cis or trans tetrahydrocannabinol, and their optical isomers;

3,4 cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(32) Ethylamine analog of phencyclidine (Other names: *N*-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; *N*-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);

(33) Pyrrolidine analog of phencyclidine (Other names: 1-(1 phenyl-cyclohexyl)-pyrrolidine; PCPy; PHP; rolicyclidine);

(34) Thiophene analog of phencyclidine (Other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);

(35) 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (Other name: TCPy);

(36) 4-Methylmethcathinone (Other names: 4-methyl-*N*-methylcathinone; mephedrone);

(37) 3,4-Methylenedioxypyrovalerone (Other name: MDPV);

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (Other name: 2C-E);

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (Other name: 2C-D);

(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-C);

(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-I);

(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (Other name: 2C-T-2);

(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (Other name: 2C-T-4);

(44) 2-(2,5-Dimethoxyphenyl)ethanamine (Other name: 2C-H);

(45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (Other name: 2C-N);

(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (Other name: 2C-P);

(47) 3,4-Methylenedioxy-*N*-methylcathinone (Other name: Methylone);

(48) (1-Pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144; 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole);

(49) [1-(5-Fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144; 5-F-UR-144; XLR11; (5-flouro-pentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole);

(50) *N*-(1-Adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide (Other names: APINACA; AKB48);

(51) Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (Other names: PB-22; QUPIC);

(52) Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (Other names: 5-fluoro-PB-22; 5F-PB-22);

(53) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other name: AB-FUBINACA);

(54) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (Other name: ADB-PINACA);

(55) 2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25I-NBOMe; 2CI-NBOMe; 25I; Cimbi-5);

(56) 2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

(57) 2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

*(58) Marihuana extract, meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus Cannabis, except for extracts derived from hemp (as defined under Texas Agriculture

Code 121) containing up to 0.3% delta-9-tetrahydrocannabinol on a dry weight basis, other than separated resin (whether crude or purified) obtained from the plant;

(59) 4-Methyl-*N*-ethylcathinone (Other name: 4-MEC);

(60) 4-Methyl-α-pyrrolidinopropiophenone (Other name: 4-MePPP);

(61) α-Pyrrolidinopentiophenone (Other name: [α]-PVP);

(62) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)butan-1-one (Other names: butylone; bk-MBDB);

(63) 2-(Methylamino)-1-phenylpentan-1-one (Other name: pentedrone);

(64) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)pentan-1-one (Other names: pentylone; bk-MBDP);

(65) 4-Fluoro-*N*-methylcathinone (Other names: 4-FMC; flephedrone);

(66) 3-Fluoro-*N*-methylcathinone (Other name: 3-FMC);

(67) 1-(Naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (Other name: naphyrone);

(68) α-Pyrrolidinobutiophenone (Other name: α-PBP);

(69) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (Other name: AB-CHMINACA);

(70) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (Other name: AB-PINACA);

(71) [1-(5-Fluoropentyl)-1*H*-indazol-3-yl](naphthalen-1-yl)methanone (Other name: THJ-2201);

(72) 1-Methyl-4-phenyl-1,2,5,6-tetrahydro-pyridine (Other name: MPTP);

(73) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexyl-methyl)-1*H*-indazole-3-carboxamide (Other names: MAB-CHMINACA; ABD-CHMINACA);

(74) Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA);

(75) Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-caboxamido)-3-methylbutanoate (Other name: 5F-AMB);

(76) *N*-(Adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other names: 5F-APINACA; 5F-AKB48);

(77) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other name: ADB-FUBINACA);

(78) Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA; MMB-CHMINACA);

(79) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: MDMB-FUBINACA);

(80) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (Other names: FUB-AMB; MMB-FUBINACA; AMB-FUBINACA);

(81) Naphthalen-1-yl-1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (Other names: NM2201; CBL2201);

(82) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other name: 5F-AB-PINACA);

(83) 1-(4-Cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL-BINACA; CUMYL-4CN-BINACA; SGT-78);

(84) Methyl 2-(1-(Cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA);

(85) 1-(5-Fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA);

(86) 1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (Other names: *N*-ethylpentylone; ephylone);

(87) Methyl 2-(1-(4-fluorobutyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate) (Other names: 4F-MDMB-BINACA; 4F-MDMB-BUTINACA);

(88) 1-(4-Methoxyphenyl)-*N*-methylpropan-2-amine (Other names: *p*-methoxymethamphetamine; PMMA);

(89) Ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: 5F-EDMB-PINACA);

(90) Methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-MDMB-PICA; 5F-MDMB-2201);

(91) *N*-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other names: FUB-AKB48; FUB-APINACA; AKB48 *N*-(4-fluorobenzyl));

(92) 1-(5-Fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (Other names: 5F-CUMYL-PINACA; SGT-25);

(93) (1-(4-Fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other name: FUB-144);

(94) *N*-Ethylhexedrone (Other name: 2-(ethylamino)-1-phenylhexan-1-one);

(95) α-Pyrrolidinohexanophenone (Other names: α-PHP; α-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);

(96) 4-Methyl-α-ethylaminopentiophenone (Other names: 4–MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);

(97) 4′-Methyl-α-pyrrolidinohexiophenone (Other names: MPHP; 4′-methyl-α-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);

(98) α-Pyrrolidinoheptaphenone (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);

(99) 4′-Chloro-α-pyrrolidinovalerophenone (Other names: 4-chloro-α-PVP; 4′-chloro-α-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);

(100) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (Other names: methoxetamine; MXE);

(101) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one (Other names: eutylone; bk-EBDB); and

(102) 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)pentan-1-one (other names: dipentylone, *N*,*N*-dimethylpentylone).

TRD-202602610
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: June 25, 2026

♦ ♦ ♦

Texas Higher Education Coordinating Board

Notice of Intent to Engage in Negotiated Rulemaking - Uniform Admission Policy

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter A, §5.5, relating to Uniform Admission Policy. The THECB is required to engage in negotiated rulemaking under Texas Education Code (TEC), §51.803(a)(2)(B) and §51.805(a)(2)(B), to address changes set forth by Senate Bill 1241, 89th Texas Legislature, Regular Session.

The subject of the negotiated rulemaking is to consider use of SAT, ACT, and CLT. The known issues surrounding this negotiated rulemaking include: clarification of TEC, §51.803 and §51.805.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for the Uniform Admission Policy:

1. Public Universities/Health-Related Institutions; and

2. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following 9 individuals to the negotiated rulemaking committee for the Uniform Admission Policy to represent affected parties and the agency:

Public Universities/Health-Related Institutions

Robin Straley, Sr. Director College Readiness, Texas Tech University (Texas Tech University System)

David Tofel, Assistant Vice President and Executive Director of Admissions, Texas A&M University (Texas A&M University System)

Rosie Dickinson, Director for Undergraduate Admissions, Texas A&M International University (Texas A&M University System)

Needha Boutte-Queen, Ph.D., Acting Senior Associate Provost and Senior Associate Vice President for Academic Affairs, Texas Southern University

Kara Hadley-Shakya, Associate Vice President for Enrollment Management and Chief Admissions Officer, The University of Texas Arlington (The University of Texas System)

Ramon A. Blakley, Ed.D., Assistant Vice Provost for Admissions, The University of Texas at Austin (The University of Texas System)

Alba N. Cook, Assistant Vice President of Admissions and Recruitment, The University of Texas at El Paso (The University of Texas System)

Beverly Woodson Day, Asst. VP for Enrollment Management and Director of Admission, Texas State University (Texas State University System)

Texas Higher Education Coordinating Board

Suzanne Morales-Vale, Ph.D., Senior Director, College Readiness and Student Success

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rulemaking committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;

2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;

3. Name and contact information of the person being nominated for membership; and

4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to Engage in Negotiated Rulemaking and on the membership of the negotiated rulemaking committee for the Uniform Admission Policy. Comments and applications for membership on the committee must be submitted by July 19, to Carrisa Stiles, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email at Convener@highered.texas.gov.

TRD-202602684
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Filed: June 30, 2026

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Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for GuardianPointe Insurance Company, a foreign fire and/or casualty company. The home office is in Bradenton, Florida.

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 Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202602593

Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: June 24, 2026

♦ ♦ ♦

Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2756 "WINNERS CIRCLE"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2756 is "WINNERS CIRCLE". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2756 shall be $30.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2756.

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: CHEST SYMBOL, STAR SYMBOL, CROWN SYMBOL, FISH SYMBOL, JOKER SYMBOL, KEY SYMBOL, BELL SYMBOL, BOOT SYMBOL, CACTUS SYMBOL, CLOVER SYMBOL, HORSESHOE SYMBOL, WISHBONE SYMBOL, PLANE SYMBOL, HEART SYMBOL, RING SYMBOL, ANCHOR SYMBOL, PIG SYMBOL, CHERRY SYMBOL, LEMON SYMBOL, BANANA SYMBOL, MELON SYMBOL, GRAPE SYMBOL, PALM TREE SYMBOL, SMILE SYMBOL, LIGHTNING BOLT SYMBOL, DIAMOND SYMBOL, CHILE PEPPER SYMBOL, HAT SYMBOL, POT OF GOLD SYMBOL, LADYBUG SYMBOL, CAR SYMBOL, MUSICAL NOTE SYMBOL, COIN SYMBOL, STRAWBERRY SYMBOL, MONEYBAG SYMBOL, TROPHY SYMBOL, BUTTERFLY SYMBOL, DICE SYMBOL, ACE SYMBOL, RAINBOW SYMBOL, 01, 03, 04, 06, 07, 08, 09, 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, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, 20X SYMBOL, $30.00, $50.00, $100, $150, $300, $500, $3,000 and $30,000.

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. 2756 - 1.2D

PLAY SYMBOL	CAPTION
CHEST SYMBOL	CHEST
STAR SYMBOL	STAR
CROWN SYMBOL	CROWN
FISH SYMBOL	FISH
JOKER SYMBOL	JOKER
KEY SYMBOL	KEY
BELL SYMBOL	BELL
BOOT SYMBOL	BOOT
CACTUS SYMBOL	CACTUS
CLOVER SYMBOL	CLOVER
HORSESHOE SYMBOL	HRSHOE
WISHBONE SYMBOL	BONE
PLANE SYMBOL	PLANE
HEART SYMBOL	HEART
RING SYMBOL	RING
ANCHOR SYMBOL	ANCHR
PIG SYMBOL	PIG
CHERRY SYMBOL	CHRY
LEMON SYMBOL	LEMN
BANANA SYMBOL	BNNA
MELON SYMBOL	MELN
GRAPE SYMBOL	GRPE
PALM TREE SYMBOL	PALM
SMILE SYMBOL	SMILE
LIGHTNING BOLT SYMBOL	BOLT

DIAMOND SYMBOL	DMND
CHILE PEPPER SYMBOL	PEPPER
HAT SYMBOL	HAT
POT OF GOLD SYMBOL	PTGOLD
LADYBUG SYMBOL	LBUG
CAR SYMBOL	CAR
MUSICAL NOTE SYMBOL	NOTE
COIN SYMBOL	COIN
STRAWBERRY SYMBOL	STBRY
MONEYBAG SYMBOL	MNBAG
TROPHY SYMBOL	TRPHY
BUTTERFLY SYMBOL	BTFLY
DICE SYMBOL	DICE
ACE SYMBOL	ACE
RAINBOW SYMBOL	RNBOW
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
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
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
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20
$30.00	TRTY$
$50.00	FFTY$
$100	ONHN
$150	ONFF
$300	THHN
$500	FVHN
$3,000	THTH
$30,000	30TH

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 (2756), 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: 2756-0000001-001.

H. Pack - A Pack of the "WINNERS CIRCLE" Scratch Ticket Game contains 025 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 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 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "WINNERS CIRCLE" Scratch Ticket Game No. 2756.

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 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "WINNERS CIRCLE" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose seventy-eight (78) Play Symbols. CASH BONUS PLAY INSTRUCTIONS: $50 CASH BONUS: If the player reveals 2 matching symbols in the $50 CASH BONUS, the player wins $50. $100 CASH BONUS: If the player reveals 2 matching symbols in the $100 CASH BONUS, the player wins $100. $300 CASH BONUS: If the player reveals 2 matching symbols in the $300 CASH BONUS, the player wins $300. $500 CASH BONUS: If the player reveals 2 matching symbols in the $500 CASH BONUS, the player wins $500. WINNERS CIRCLE PLAY INSTRUCTIONS: If the 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 reveal 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. 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 seventy-eight (78) 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 seventy-eight (78) 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 seventy-eight (78) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the seventy-eight (78) 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 of the Texas Lottery ("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. WINNERS CIRCLE - Key Number Match: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., $50 and 50).

D. WINNERS CIRCLE - Key Number Match: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. WINNERS CIRCLE - Key Number Match: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. WINNERS CIRCLE - Key Number Match: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. WINNERS CIRCLE - Key Number Match: A Ticket may have up to six (6) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. WINNERS CIRCLE - Key Number Match: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. WINNERS CIRCLE - Key Number Match: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. WINNERS CIRCLE - Key Number Match: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

K. WINNERS CIRCLE - 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 "WINNERS CIRCLE" Scratch Ticket Game prize of $30.00, $50.00, $100, $150, $300 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, $150, $300 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 "WINNERS CIRCLE" Scratch Ticket Game prize of $3,000 or $30,000, 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 "WINNERS CIRCLE" 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 Taxpayer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, 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 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 "WINNERS CIRCLE" 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 "WINNERS CIRCLE" 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 4,320,000 Scratch Tickets in Scratch Ticket Game No. 2756. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2756 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$30.00	518,400	8.33
$50.00	345,600	12.50
$100	172,800	25.00
$150	172,800	25.00
$300	54,000	80.00
$500	2,124	2,033.90
$3,000	300	14,400.00
$30,000	100	43,200.00

*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 3.41. 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.

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. 2756 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 §140.302(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. 2756, 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 140, and all final decisions of the Executive Director.

TRD-202602685
Deanne Rienstra
General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: June 30, 2026

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North Central Texas Council of Governments

Request for Information for Innovative Transportation Demand Management Ridematch Systems

The North Central Texas Council of Governments (NCTCOG) is seeking private companies or firms to share information on innovative transportation demand management systems or online solutions for a ride-matching system to match commuters interested in carpooling and/or vanpooling. NCTCOG is seeking information on technology that will provide support to NCTCOG's efforts to expand a regional rideshare/carpool program throughout the 16-county region of North Central Texas.

NCTCOG will be releasing this Request for Information (RFI) on **Friday, July 10, 2026,** in the Bidnet Direct system and will accept electronic submissions through the Bidnet Direct system only. The Bidnet Direct submittal will count as the official submittal. Responses must be submitted in Bidnet Direct no later than **5:00 p.m., Central Time**, on **Friday, August 7, 2026.** Responses received after that time will not be accepted.

TRD-202602681
Todd Little
Executive Director
North Central Texas Council of Governments
Filed: June 29, 2026

♦ ♦ ♦

Texas Board of Nursing

Correction of Error

The Texas Board of Nursing proposed amendments to 22 TAC §216.9 in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1789). Due to an error by the Texas Register, the introductory text preceding the paragraphs in this section was published incorrectly. The correct text should read as follows:

The Board may audit any licensee's continuing competency to monitor the continuing education tracking system vendor's performance and to verify licensee compliance. Notification shall be sent to selected licensees. Licensees will have 90 days to show compliance with the Board's audit. [~~The Board shall select a random sample of licensees 90 days prior to each renewal month. Notification shall be sent to selected licensees to substantiate compliance with the continuing competency requirements.~~]

TRD-202602671

♦ ♦ ♦

Rio Grande Council of Governments

Request for Qualifications for Professional Engineering Services for Region E Water Planning Group

1. Background and General Information

Senate Bill 1 (SB 1), passed by the 75th Texas Legislature, mandated the Texas Water Development Board (TWDB) to implement a statewide water planning program to ensure that the water needs of all Texans are met looking forward 50 years. In response to this legislation, TWDB adopted state and regional water planning rules, delineated the state into sixteen regional areas, and selected the initial members for the Regional Water Planning Group serving in each area.

The Far West Texas Water Planning Group (FWTWPG) has been designated Region E and consists of all or parts of the following seven (7) Texas counties: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, and Terrell.

The FWTWPG is responsible for preparing and adopting a regional water plan for its area and hires a consultant to assist the Group with developing the engineering, hydrological, environmental, legal, and institutional components of the plan. The planning process begins with the collection and analyses of many types of information related to regional water supplies and the demands placed on them by area users. The Group decides how future water needs may be met and includes in their water plan information about water supplies and demand, water quality problems affecting the water supply, and the social and economic characteristics of the region.

The plan will also identify water supply threats to agriculture and natural resources. Information concerning current preparations for drought and the status of other water plans in the region will also be reviewed during plan development. In addition, the plan addresses the prioritization of water management strategies, based on factors related to strategy cost, year of need, amount of water the strategy provides, and so on.

Before the plan can be finalized, FWTWPG must provide for public input in the planning process, hold public meetings, and furnish a draft report of the plan for public review and comment. The water plan must address the needs of all water users and suppliers in their region (except certain political subdivisions that decide not to participate.) Once this process has been completed, the final adopted plan will be forwarded to TWDB for approval and incorporation into a comprehensive state water plan.

The Rio Grande Council of Governments (RIOCOG) serves as the administrative entity and public involvement coordinator for the FWTWPG. RIOCOG's role in the regional water planning process has three broad aspects:

- Provides administrative support for the FWTWPG

- Provides fiscal management of TWDB funds that have been passed through to technical consultants to the Planning Group; and

- Develop and implement a comprehensive public involvement strategy to maximize local input and buy-in to the planning process.

- The RIOCOG therefore acts as the fiscal agent and project manager for the regional planning effort.

RIOCOG, is a political subdivision of the state codified pursuant to the Texas Local Government Code, Chapter 391, is the regional organization through which local governments consider issues and cooperate in solving area wide problems. Through RIOCOG, local governments also initiate efforts in anticipating and preventing problems, thus saving public funds. In order to address the needs of citizens and businesses, local governments are providing leadership to guide regional development wisely and manage change constructively.

2. SOLICITATION

The RIOCOG, on behalf of the Region E FWTWPG, is soliciting Statements of Qualifications (SOQ) from engineering/planning firms qualified to provide professional consulting services related to Regional Water Planning activities. The RIOCOG is the administrative entity for the FWTWPG, and as such will be the contracting party on behalf of the Group. The SOQ should be submitted in accordance with the instructions listed in Item 4.B. below.

3. SCOPE OF WORK

The required Scope of Work for the seventh cycle of the 2031 Regional Water Plans can be found here, https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2031/index.asp. The Scope of work is to be amended to incorporate remaining planning tasks that are necessary to complete the 2031 Regional Water Plans at a later date. Respondents may contact the following individual regarding clarification of the Request for Qualification: Annette Gutierrez, Executive Director, RIOCOG, at annetteg@riocog.org.

4. SUBMISSION OF STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information in the following evaluation criteria and submit a complete Statement of Qualifications to all questions in this RFQ.

A. All proposals shall be submitted to and all correspondence shall be directed to Annette Gutierrez at annetteg@riocog.org.

B. All proposals must be received no later than 12:00 p.m., MDT, on Monday, July 27, 2026. Only electronic submittals will be allowed. The subject line of the email should be "Region E FWTWPG Engineering RFQ" by the submittal deadline. No verbal or fax submittals will be accepted or considered valid.

C. Each proposal shall be signed by the principals of the firm.

D. All RFQs become the property of the RIOCOG upon return and will not be returned to the submitted.

E. Any cost or expense incurred by the Firm that is associated with the preparation or selection process of the RFQ shall be borne solely by the Firm.

F. Inquiries and Interpretations: Responses to inquiries which directly affect an interpretation or change to this RFQ will be issued in writing by the RIOCOG as an addendum and faxed or emailed to all parties recorded by the RIOCOG as having received a copy of the RFQ. All such addenda issued by the RIOCOG prior to the time that proposals are received shall be considered part of the RFQ, and the Respondent shall be required to consider and acknowledge receipt of each addendum in its Qualifications. Only those inquiries the RIOCOG replies to by addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect.

G. Respondents shall restrict all contact and questions regarding this RFQ to Annette Gutierrez at annetteg@riocog.org. Respondents or their agents are prohibited from lobbying members of the RIOCOG and its staff. Failure to comply with this clause shall be grounds for rejection of their RFQ as non-responsive.

H. Firms are prohibited from contacting any RIOCOG employee, FWTWPG or RIOCOG Board of Directors for the purpose of lobbying to secure this agreement. All requests for information shall be made to the Executive Director, Annette Gutierrez at annetteg@riocog.org.

5. STATEMENT OF QUALIFICATIONS REQUIREMENTS

The firm should have extensive experience in working in environmental issues and analyses related to flood planning and management. The qualifications and commitment of the key personnel assigned to this project is critically important in the selection of a firm. Please provide the following in your proposal.

A. Qualifications (40 points)

I. Cover letter and introduction, including the legal name of the firm, phone number, and email address of the person(s) authorized to represent the company regarding all matters related to the proposal.

II. A description of the firm, including a brief history, date of formation, number of employees, philosophy regarding client and customer service, location, years in business, biographies of principals, and biography of the individual who will be assigned as the primary representative to the RIOCOG.

III. Provide a statement detailing that the firm and its staff are qualified to complete tasks related to the Scope of Services.

IV. Provide a statement on whether the firm is currently or in the past been involved in disciplinary action by any licensing organization.

B. Staffing (35 points)

I. Provide a statement on the availability and commitment of the firm, its principal(s) and assigned professionals to undertake the project and reporting,

II. Provide names and roles of key personnel proposed to work on this project, their educational backgrounds, licenses, and certificates earned.

III. Provide office locations for all key personnel proposed to work on this project.

C. Experience with similar projects (25 points)

I. Five references (past or current). Firms shall provide contact information for five clients for whom the firm has provided similar services, including entity name, address, service provided, contact person, and telephone number.

II. Firm shall describe any contracts for services awarded to your firm that have been canceled or terminated for unsatisfactory performance.

III. Provide a statement on whether the firm is currently or has in the past been involved in litigation with a client.

6. EVALUATION AND SELECTION

This RFQ provides information necessary to prepare and submit qualifications for consideration and ranking by the RIOCOG. The FWTWPG Executive Committee will rank the firms in order of the most qualified, based on demonstrated competence and qualification to perform the services, subject to negotiation of fair and reasonable compensation. The Executive Committee will then recommend the finalist to the FWTWP group for approval. RGOCG will then negotiate a contract with the finalist. If a satisfactory contract cannot be negotiated with the most highly qualified firm, the RIOCOG will formally end negotiations with that firm and select the next most highly qualified firm and negotiate a contract at a fair and reasonable price.

7. Conflict of Interest Questionnaire Chapter 176 of the Local Government Code requires vendors and qualified firms contracting or seeking to do business with RIOCOG to file a conflict of interest questionnaire (CIQ). The required questionnaire is located at the Texas Ethics Commission Website Form CIQ. The list of RIOCOG officers, subject to HB 914 disclosure requirements, can be found on the RIOCOG's website, http://www.riocog.org. The CIQ must be completed and filed with the proposal response. Vendors and qualified firms that do not include the form with the response, and fail to timely provide it, may be disqualified from consideration by RIOCOG.

8. Reservation of Rights and Contract Requirements

A. The RIOCOG reserves the right to select one or no firm in response to this RFQ.

B. The firm, if selected, will be the firm whose RFQ is deemed most advantageous to the RIOCOG, as determined by the RIOCOG.

C. This RFQ does not commit the RIOCOG to enter into a Contract, award any services related to this RFQ.

TRD-202602612
Annette Gutierrez
Executive Director
Rio Grande Council of Governments
Filed: June 26, 2026

♦ ♦ ♦

Supreme Court of Texas

Preliminary Approval of Amendments to Texas Rule of Civil Procedure 13 and Texas Rules of Appellate Procedure 9 and 52 and the Repeal of Texas Rule of Civil Procedure 57

Supreme Court of Texas

Misc. Docket No. 26-9054

Preliminary Approval of Amendments to Texas Rule of Civil Procedure 13 and Texas Rules of Appellate Procedure 9 and 52 and the Repeal of Texas Rule of Civil Procedure 57

ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rule of Civil Procedure 13 and Texas Rules of Appellate Procedure 9 and 52 and the proposed repeal of Texas Rule of Civil Procedure 57, as set forth in this order.

2. Comments regarding the amendments should be submitted in writing to rulescomments@txcourts.gov by September 1, 2026.

3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on October 1, 2026.

4. The proposed amendments to Texas Rule of Civil Procedure 13 are shown in both clean and redline forms. All other proposed changes are shown in redline form only.

5. The Clerk is directed to:

   a. file a copy of this order with the Secretary of State;

   b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and

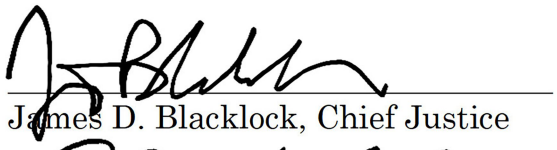
   c. submit a copy of this order for publication in the *Texas Register*.

6. The State Bar of Texas is directed to:

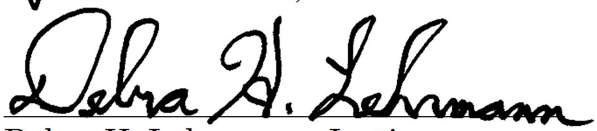
a. cause a copy of this order to be sent to each registered member of the State Bar of Texas by email; and

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*.

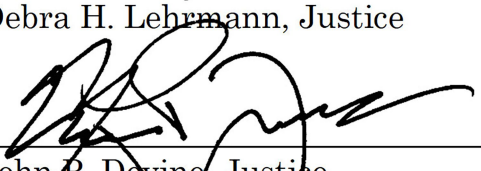
Date: June 26, 2026.



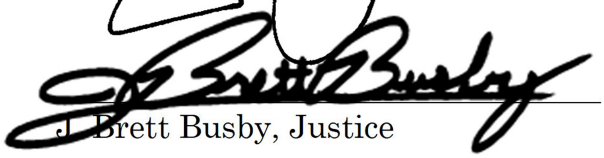
James D. Blacklock, Chief Justice



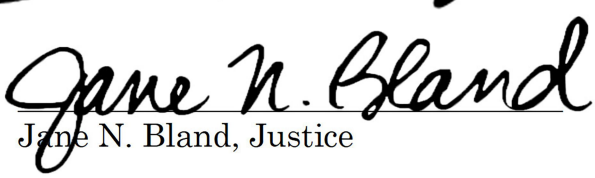
Debra H. Lehrmann, Justice



John P. Devine, Justice



J. Brett Busby, Justice



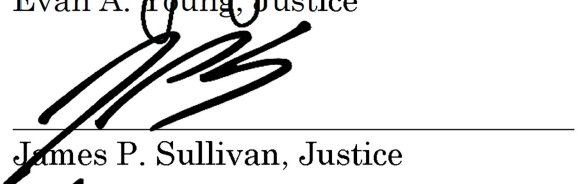
Jane N. Bland, Justice



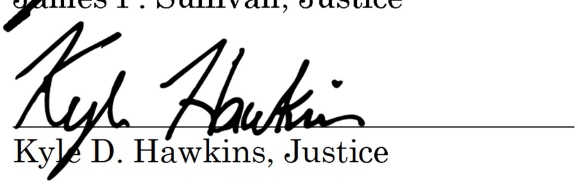
Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

RULE 13. ~~EFFECT OF SIGNING PLEADINGS, MOTIONS AND OTHER PAPERS;~~SIGNING FILINGS; REPRESENTATIONS TO COURT; SANCTIONS (Redline Form)

(a) *Signature Required.* A party's pleading, plea, motion, or other paper filed with the court must be signed:

(1) if the party is represented by an attorney, by at least one attorney of record in the attorney's individual name; or

(2) if the party is self-represented, by the party.

(b) *Contact Information Required.*

(1) An attorney who signs a court filing must list the attorney's State Bar of Texas identification number, address, telephone number, and email address.

(2) A party who signs a court filing must list the party's address, telephone number, and email address.

(c) *Representations by Signer.* ~~The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper;~~By signing a court filing, the signer represents to the court that:

(1) the signer reviewed the filing and verified its accuracy, including that the legal citations, quotations, and holdings are not fabricated; and

(2) to the best of ~~their~~the signer's knowledge, information, and belief formed after reasonable inquiry the ~~instrument~~filing is not groundless, ~~and~~ brought in bad faith, or ~~groundless and~~ brought for the purpose of harassment. ~~Attorneys or parties who shall bring a fictitious suit as an experiment to get an opinion of the court, or who shall file any fictitious pleading in a cause for such a purpose, or shall make statements in pleading which they know to be groundless and false, for the purpose of securing a delay of the trial of the cause, shall be held guilty of a contempt.~~

(d) *Groundless Defined.* "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.

(e) *Sanctions.*

(1) Court Authority. ~~If a pleading, motion or other paper is signed in violation of this rule, the~~A court may, ~~upon~~ motion or ~~upon~~ its own initiative, ~~after notice and hearing, shall~~ impose ~~an~~ appropriate sanctions ~~available under Rule 215-2b, upon the person who signed it, a represented party, or both.~~ for a filing inconsistent with the representations in (c) after providing the signer with notice and a reasonable opportunity to respond.

(2) Available Sanctions. Available sanctions may include reprimand, contempt, striking of the filing in whole or in part, dismissal of proceedings, costs, or attorney's fees. Any sanction must be proportionate to the violation found. A court must impose lesser sanctions before holding the signer in contempt, striking a filing, or dismissing a proceeding or explain in the order why lesser sanctions are insufficient to promote compliance.

(3) Presumption. A ~~C~~court~~s~~ ~~shall~~must presume that pleadings, motions, and other papers are filed in good faith.

(4) Order. ~~No~~ A sanction~~s~~ imposed under this rule ~~may~~must be ~~imposed except~~ set forth in a written order that ~~for good cause, the particulars of which must be~~ state~~d~~s ~~in the sanction order~~the reasons for the sanction. ~~"Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.~~

(5) Pleadings Not Sanctionable. A general denial does not constitute a violation of this rule. The amount requested for damages does not constitute a violation of this rule.

Notes and Comments

Comment to 1990 change: To require notice and hearing before a court determines to impose sanctions, to specify that any sanction imposed be appropriate, and to eliminate the 90-day "grace" period provided in the former version of the rule.

Comment to 2026 change: Rule 13 has been rewritten to modernize the rule and reinforce the obligation of attorneys and self-represented parties to verify documents filed with the court. Paragraphs (a) and (b) incorporate the requirements in current Rule 57. Paragraph (c)(1) is adopted principally to address concerns about the improper use of artificial intelligence in filings, which increases the risk of fabricated authorities, quotations, and holdings appearing in court filings. Verifying a filing for accuracy is important, regardless of whether artificial intelligence was

used. The rule is not intended to govern disputes regarding the interpretation, application, or persuasive force of existing authorities. Paragraph (e)(1) requires the court to give the signer a reasonable opportunity to respond before imposing a sanction. Paragraph (e)(2) imports available sanctions from Rule 215, tailoring them for filings instead of discovery.

RULE 13. SIGNING FILINGS; REPRESENTATIONS TO COURT; SANCTIONS (Clean Form)

(a) *Signature Required.* A party's pleading, plea, motion, or other paper filed with the court must be signed:

(1) if the party is represented by an attorney, by at least one attorney of record in the attorney's individual name; or

(2) if the party is self-represented, by the party.

(b) *Contact Information Required.*

(1) An attorney who signs a court filing must list the attorney's State Bar of Texas identification number, address, telephone number, and email address.

(2) A party who signs a court filing must list the party's address, telephone number, and email address.

(c) *Representations by Signer.* By signing a court filing, the signer represents to the court that:

(1) the signer reviewed the filing and verified its accuracy, including that the legal citations, quotations, and holdings are not fabricated; and

(2) to the best of the signer's knowledge, information, and belief formed after reasonable inquiry the filing is not groundless, brought in bad faith, or brought for the purpose of harassment.

(d) *Groundless Defined.* "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.

(e) *Sanctions.*

(1) Court Authority. A court may, on motion or its own initiative, impose appropriate sanctions for a filing inconsistent with the representations

in (c) after providing the signer with notice and a reasonable opportunity to respond.

(2) Available Sanctions. Available sanctions may include reprimand, contempt, striking of the filing in whole or in part, dismissal of proceedings, costs, or attorney's fees. Any sanction must be proportionate to the violation found. A court must impose lesser sanctions before holding the signer in contempt, striking a filing, or dismissing a proceeding or explain in the order why lesser sanctions are insufficient to promote compliance.

(3) Presumption. A court must presume that pleadings, motions, and other papers are filed in good faith.

(4) Order. A sanction imposed under this rule must be set forth in a written order that states the reasons for the sanction.

(5) Pleadings Not Sanctionable. A general denial does not constitute a violation of this rule. The amount requested for damages does not constitute a violation of this rule.

Notes and Comments

Comment to 1990 change: To require notice and hearing before a court determines to impose sanctions, to specify that any sanction imposed be appropriate, and to eliminate the 90-day "grace" period provided in the former version of the rule.

Comment to 2026 change: Rule 13 has been rewritten to modernize the rule and reinforce the obligation of attorneys and self-represented parties to verify documents filed with the court. Paragraphs (a) and (b) incorporate the requirements in current Rule 57. Paragraph (c)(1) is adopted principally to address concerns about the improper use of artificial intelligence in filings, which increases the risk of fabricated authorities, quotations, and holdings appearing in court filings. Verifying a filing for accuracy is important, regardless of whether artificial intelligence was used. The rule is not intended to govern disputes regarding the interpretation, application, or persuasive force of existing authorities. Paragraph (e)(1) requires the court to give the signer a reasonable opportunity to respond before imposing a sanction. Paragraph (e)(2) imports available sanctions from Rule 215, tailoring them for filings instead of discovery.

RULE 57. ~~SIGNING OF PLEADINGS~~[Repealed effective October 1, 2026]

~~Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, with his State Bar of Texas identification number, address, telephone number, email address, and if available, fax number. A~~

~~party not represented by an attorney shall sign his pleadings, state his address, telephone number, email address, and, if available, fax number.~~

~~**Notes and Comments**~~

~~Comment to 1990 change: To supply attorney telecopier information with other identifying information on pleadings. Documents telephonically transferred are permitted to be filed under changes in Rule 45.~~

Texas Rules of Appellate Procedure

Rule 9. Documents Generally

9.1. Signing

(a) *Represented Parties*. If a party is represented by counsel, a document filed on that party's behalf must be signed by at least one of the party's attorneys. For each attorney whose name appears on a document as representing that party, the document must contain that attorney's State Bar of Texas identification number, mailing address, telephone number, ~~fax number, if any,~~ and email address.

(b) *Unrepresented Parties*. A party not represented by counsel must sign any document that the party files and give the party's mailing address, telephone number, ~~fax number, if any,~~ and email address.

(c) *Electronic Signatures*. A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:

(1) a "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) *Representations by Signer*. By signing a filed document, the signer represents to the court that the signer has:

(1) reviewed the filing and verified its accuracy, including that the legal citations, quotations, holdings, and record citations are not fabricated; and

(2) to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the filing is not groundless, brought in bad faith, or brought for the purpose of harassment.

(e) *Groundless Defined.* "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law.

(f) *Sanctions.*

(1) Court Authority. A court may, on motion or its own initiative, impose appropriate sanctions for a filing inconsistent with the representations in (d) after providing the signer with notice and a reasonable opportunity to respond.

(2) Available Sanctions. Available sanctions may include reprimand, contempt, striking of the filing in whole or in part, dismissal of proceedings, costs, or attorney's fees. Any sanction must be proportionate to the violation found. A court must impose lesser sanctions before holding the signer in contempt, striking a filing, or dismissing a proceeding or explain in the order why lesser sanctions are insufficient to promote compliance.

(3) Presumption. A court must presume that documents are filed in good faith.

(4) Order. A sanction imposed under this rule must be set forth in a written order that states the reasons for the sanction.

***

Notes and Comments

***

Comment to 2026 change: Rule 9.1(d) is added to clarify that by signing a filing, the signer is making certain representations to the court. One of those representations is that the signer reviewed and verified the filing. Paragraph (d)(1) is adopted principally to address concerns about the improper use of artificial intelligence in filings, which increases the risk of fabricated authorities, quotations, and holdings appearing in court filings. Verifying a filing for accuracy is important, regardless of whether artificial intelligence was used. The rule is not intended to govern disputes regarding the interpretation, application, or persuasive force of existing authorities. Rule 9.1(f) includes express sanction provisions to avoid uncertainty over an appellate court's authority to impose sanctions in this context.

By including an express sanctions provision in (f), the Court does not intend to change or comment on—by negative implication or otherwise—an appellate court's existing authority to impose sanctions for noncompliance with these rules generally.

Rule 52. Original Proceedings

***

52.11. ~~Groundless Petition or Misleading Statement or Record~~Sanctions

~~On motion of any party or on its own initiative, the court may after notice and a reasonable opportunity to respond impose just sanctions on a party or attorney who is not acting in good faith as indicated by any of the following:~~

~~(a) filing a petition that is clearly groundless;~~

~~(b) bringing the petition solely for delay of an underlying proceeding;~~

~~(c) grossly misstating or omitting an obviously important and material fact in the petition or response; or~~

(a) ~~(d)~~*Omissions*. In addition to sanctions for violations of Rule 9, the court may impose appropriate sanctions for filing an appendix or record that is clearly misleading because of the omission of obviously important and material evidence or documents.

(b) *Notice, Opportunity to Respond, and Written Order Required*. The court must follow the notice, response, and order procedures and other requirements in Rule 9.

Notes and Comments

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Comment to 2026 change: Rule 52 is amended to align the requirements more closely with Rule 9 and Rule 53.

♦ ♦ ♦

TRD-202602631
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
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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 51 (2026) is cited as follows: 51 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 "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 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: https://www.sos.texas.gov. 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
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 §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 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)*

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