

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 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 702. GENERAL ADMINISTRATION SUBCHAPTER O. OFFICE OF INTERAGENCY COORDINATION ON REPORTABLE CONDUCT 40 TAC §§702.1401, 702.1403, 702.1405

The Department of Family and Protective Services (DFPS) proposed new rules in Title 40, Texas Administrative Code (TAC), Part 19, Chapter 702, Subchapter O, relating to the creation of the Office of Interagency Coordination on Reportable Conduct (OICRC) to support the Search Engine for Multi-Agency Reportable Conduct (SEMARC). The proposal was published in the May 29, 2026 issue of the *Texas Register* (51 TexReg 3694). The new rules are adopted without changes to the proposed text and will not be republished.

BACKGROUND AND JUSTIFICATION

In the 88th Regular Legislative Session, Senate Bill 1849 passed establishing SEMARC. SEMARC is an interagency search engine to help participating state agencies identify individuals with a history of reportable work conduct. Reportable conduct is defined in Section 810.001 of the Health and Safety Code. This tool aims to prevent individuals from being present in work roles where they could harm vulnerable populations, such as DFPS clients.

COMMENTS

The 30-day comment period ended June 28, 2026. During this period, DFPS received comments regarding the new rules from the Texas Alliance of Child and Family Services. The received comments relating to the rules and DFPS's responses follows.

Comment: The Texas Alliance of Child and Family Services commented: "We have no suggestions about the language in the proposed rules and support the intent behind the legislation and rule language to promote the safety of children. However, we would like to request consideration of steps that might be taken to streamline the background check process to ensure

providers are able to timely hire eligible and appropriate staff to support the care and needs of children, particularly with the additional step of checking SEMARC as part of the background check process."

Response: DFPS appreciates the comment but has not made any changes to the rules as changes were not requested. The commenter's request relates to background checks operational processes, which are outside the scope of this rulemaking and therefore do not impact the proposed rule language.

The SEMARC check is required to implement Health and Safety Code Chapter 810 and is intended to improve child safety by identifying individuals with reportable conduct. DFPS will continue to evaluate opportunities to improve efficiency of background check processes, while ensuring compliance with statutory requirements and maintaining protections intended to promote the safety of children.

STATUTORY AUTHORITY

The new rules are adopted under Human Resources Code §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matter within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

Additionally, Health and Safety Code Chapter 810 requires DFPS to create rules regarding the operation of the OICRC and periodic search queries using SEMARC.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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