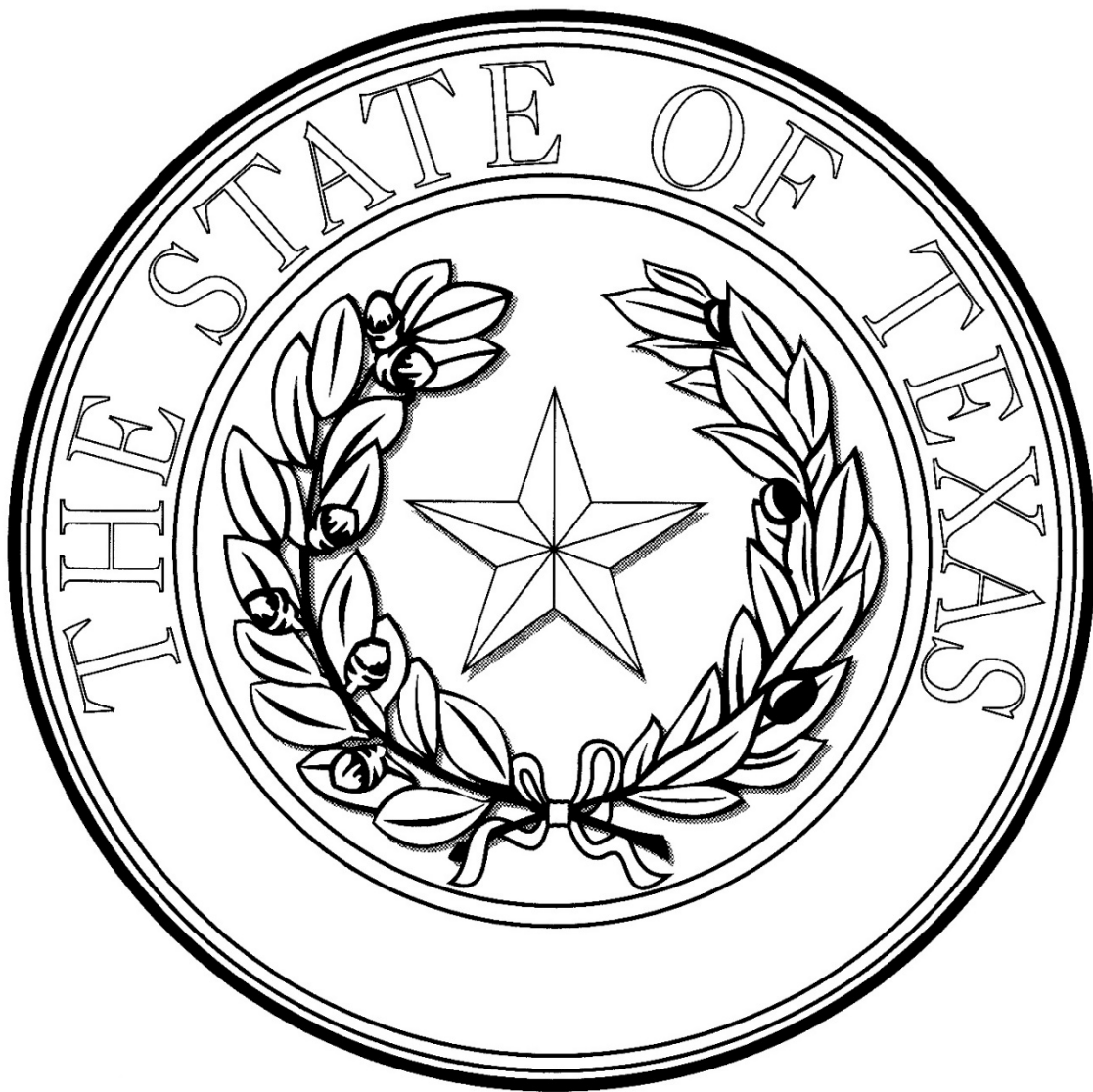

TEXAS REGISTER

Volume 51 Number 31

July 31, 2026

Pages 4969 - 5026



TEXAS REGISTER

a section of the
Office of the Secretary of State
P.O. Box 12887
Austin, Texas 78711
(512) 463-5561
FAX (512) 463-5569

<https://www.sos.texas.gov>
register@sos.texas.gov

Texas Register, (ISSN 0362-4781, USPS 12-0090), is published weekly (52 times per year) for \$783.00 (\$1159.00 for first class mail delivery) by Matthew Bender & Co., Inc., 3 Lear Jet Lane Suite 104, P. O. Box 1710, Latham, NY 12110.

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The *Texas Register* is published under the Government Code, Title 10, Chapter 2002. Periodicals Postage Paid at Easton, MD and at additional mailing offices.

POSTMASTER: Send address changes to the *Texas Register*, 4810 Williamsburg Road, Unit 2, Hurlock, MD 21643.

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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 July 13, 2026

Appointed as the San Jacinto County Criminal District Attorney for a term to expire December 31, 2026, or until his successor shall be duly elected and qualified, Alton G. "Greg" Magee of Pointblank, Texas (replacing Brandon T. "Todd" Dillon of Coldspring who resigned).

Appointed as the Tyler County Criminal District Attorney for a term to expire December 31, 2026, or until her successor shall be duly elected and qualified, Brooke A. Koi of Woodville, Texas (replacing Lucas Babin of Woodville who resigned).

Appointed as Judge of the 486th Judicial District, Harris County, for a term to expire December 31, 2026, or until her successor shall be duly elected and qualified, Angela V. "Vanessa" Velasquez of Houston, Texas (replacing Judge Aaron E. Burdette of Houston who resigned).

Appointed as Judge of the 217th Judicial District, Angelina County, for a term to expire December 31, 2026, or until her successor shall be duly elected and qualified, Kristi C. Skillern of Lufkin, Texas (replacing Judge Robert K. "Bob" Inselmann, Jr. of Lufkin who resigned).

Appointments for July 16, 2026

Appointed to the Texas Medical Board District One Review Committee for a term to expire January 15, 2030, Manish Rungta, M.D. of Bellaire, Texas (replacing Rajesh G. Shenava, M.D. of Houston who resigned).

Appointed to the Texas Medical Board District One Review Committee for a term to expire January 15, 2032, Adrian Caraves of Galveston, Texas (replacing Kimberly R. Phillips of Houston whose term expired).

Appointed to the Texas Medical Board District One Review Committee for a term to expire January 15, 2032, Elizabeth A. Cloninger, M.D. of League City, Texas (replacing Imran A. Dar, M.D. of Houston whose term expired).

Appointed to the Texas Medical Board District Two Review Committee for a term to expire January 15, 2032, Ivan D. Rovner, M.D. of Plano, Texas (Dr. Rovner is being reappointed).

Appointed to the Texas Medical Board District Two Review Committee for a term to expire January 15, 2032, Steven B. "Steve" Westbrook, Ed.D. of Nacogdoches, Texas (replacing Angela A. Downes of Irving whose term expired).

Appointed to the Texas Medical Board District Four Review Committee for a term to expire January 15, 2032, Ruth Villarreal of Mission, Texas (Ms. Villarreal is being reappointed).

Appointed to the Texas Medical Board District Four Review Committee for a term to expire January 15, 2032, Matthew T. "Matt" Wallace, M.D. of Austin, Texas (replacing Andrew J. "Jimmy" Widmer, M.D. of Celina whose term expired).

Appointments for July 17, 2026

Appointed to the Texas Alcoholic Beverage Commission for a term to expire November 15, 2031, Hasan Mack of Austin, Texas.

Appointed to the Texas Alcoholic Beverage Commission for a term to expire November 15, 2031, Deborah "Debbie" Gray Marino of San Antonio, Texas.

Appointed to the State Cemetery Committee for a term to expire February 1, 2029, Andrea L. Tirey of Lubbock, Texas (replacing James L. "Jim" Bayless of Austin whose term expired).

Appointed to the State Board for Educator Certification for a term to expire February 1, 2029, Cassidy M. Estes of Amarillo, Texas (replacing Robert "Bob" Brescia, Ed.D. of Odessa who is deceased).

Appointed to the State Board for Educator Certification for a term to expire February 1, 2031, Kathy P. Ward of Plano, Texas (replacing Adam J. Booth of Leander who resigned).

Appointed to the Texas Commission of Licensing and Regulation for a term to expire February 1, 2031, Jana W. Hall of Sweetwater, Texas (replacing Nora Castañeda of Harlingen whose term expired).

Appointed as the Secretary of State effective July 18, 2026, for a term to continue in office during the term of service of the Governor, Robert S. Howden of Austin, Texas (replacing Jane Nelson of Flower Mound who resigned).

Appointments for July 22, 2026

Appointed to the Early Childhood Intervention Advisory Committee for a term to expire February 1, 2029, Sheri L. O'Daniel of Amarillo, Texas (replacing Audrey K. Jackson of San Marcos who resigned).

Appointed to the Early Childhood Intervention Advisory Committee for a term to expire February 1, 2031, Dana L. Dodgen of Dallas, Texas (replacing Cynthia D. "Cindy" Lee, Ed.D. of McKinney who resigned).

Appointed to the Early Childhood Intervention Advisory Committee for a term to expire February 1, 2031, Celina C. Perez of San Benito, Texas (replacing Chasey M. Sanchez, Ed.D. of Orange Grove whose term expired).

Greg Abbott, Governor

TRD-202603051



Executive Order GA-57

Relating to coordinated efforts to eliminate unlawful birth tourism schemes in Texas.

WHEREAS, for four years, the Biden-Harris Administration adopted open-border policies that invited mass illegal entry into Texas and other states, including by ignoring laws that require the federal government to secure the border, construct barrier infrastructure, detain illegal aliens, vet would-be entrants, and swiftly remove aliens pressing frivolous asylum claims; and

WHEREAS, the surge of individuals crossing the southern border resulted in roughly 12 million people—a number larger than the population of 43 different states—entering this country illegally in less than four years; and

WHEREAS, this unprecedented entry into the country forced the state to shoulder numerous costs associated with illegal immigration, including costs associated with strengthening law enforcement and defense measures and providing medical care, public education, and other public resources to individuals not lawfully present in the United States, predictably straining resources and increasing costs for all Texans; and

WHEREAS, this unprecedented entry also facilitated the movement of hostile non-state actors like violent criminals, gang members, and known terrorists, as predicted by former Federal Bureau of Investigation (FBI) officials who warned that "the surge in numbers of single, military-aged males" from hostile nations and regions "appears to be an accelerated and strategic penetration, a soft invasion, designed to gain internal access to" the United States and "inflict catastrophic damage" on this country, Letter from Former FBI Officials to Members of U.S. Congress (Jan. 17, 2024); and

WHEREAS, I, Greg Abbott, Governor of Texas, launched Operation Lone Star, consistent with Article I, Section 10, Clause 3 of the U.S. Constitution, to defend the people of Texas against a hostile invasion by employing strategies to deter efforts to violate Texas' territorial sovereignty, deny efforts to enter illegally, and detain illegal immigrants; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, entities doing business in the State of Texas, including hospitals, have sought to profit from the ongoing effects of this disaster by incentivizing "birth tourism" schemes—the practice of non-citizen aliens exploiting our laws by traveling to the United States illegally or under false pretenses solely to give birth and secure citizenship for their child; and

WHEREAS, a narrow majority of the Supreme Court of the United States recently held that the U.S. Constitution automatically entitles children of illegal aliens and temporary birth tourists to U.S. citizenship if they are born in the United States, *Trump v. Barbara*, No. 25-365, slip op. at 12 (U.S. June 30, 2026); and

WHEREAS, that decision is not only inconsistent with centuries of practice excluding the children of non-citizen aliens who are temporarily present or who owe loyalty to a different sovereign from acquiring citizenship, *Trump*, slip op. at 9 (Kavanaugh, J., concurring in judgment and dissenting in part); *Trump*, slip op. at 2 (Gorsuch, J., dissenting), but also would bestow citizenship on the child "of a foreign spy" or "a strategic adversary or enemy of the United States," *Trump*, slip op. at 56 (Thomas, J., dissenting); *Trump*, slip op. at 38 (Alito, J., dissenting); and

WHEREAS, the same day the Supreme Court issued this decision, the U.S. Department of Justice (DOJ) issued a memorandum "directing all United States Attorneys and the Criminal Division to work with the Department of Homeland Security to prioritize the investigation and prosecution of birth tourism schemes," Memorandum from Colin M. McDonald, Assistant Attorney General, U.S. Department of Justice, National Fraud Enforcement Division (June 30, 2026); and

WHEREAS, the DOJ memorandum detailed how such schemes frequently involve "lies about the purpose or duration of one's travel to the United States" and could run afoul of numerous federal criminal laws, including laws prohibiting visa fraud, wire fraud, money laundering, misuse of identification, identity theft, and health care fraud,

see Memorandum from Colin M. McDonald (citing 18 U.S.C. §§ 1028, 1028A, 1343, 1347, 1349, 1546, 1956); and

WHEREAS, the Texas Attorney General has likewise taken steps to combat illegal birth tourism schemes, including suing a Houston-area facility that claims to have facilitated birth tourism for "1,000+" foreign nationals and allegedly coached customers to mislead or deceive federal immigration officials about the purpose of their visits to the United States, in violation of state laws, see TEX. PENAL CODE §§ 20.05(a)(2), 37.10, 71.02; TEX. CIV. PRAC. & REM. CODE § 125.062; TEX. BUS. & COMM. CODE § 17.46(a), (b)(2), (3), (5), (9), (12); and

WHEREAS, I, Greg Abbott, Governor of Texas, directed the Texas Health and Human Services Commission (HHSC) on July 7, 2026, to launch an immediate investigation into reports that Texas hospitals were advertising birth tourism packages to individuals in foreign countries and to refer any violations of state law to the Office of the Attorney General for civil enforcement and to the appropriate District or County Attorney for criminal prosecution; and

WHEREAS, HHSC acted swiftly in referring to the Texas Attorney General two Texas hospitals that allegedly placed billboards in a foreign country advertising "birth packages" in South Texas for fixed prices starting as low as \$3,950, and directed viewers to a website soliciting patients to engage in medical birthing services; and

WHEREAS, no person may establish or operate a hospital, birthing center, freestanding emergency medical care facility, or any other facility authorized to conduct births in Texas without a license issued by the State of Texas, see TEX. HEALTH & SAFETY CODE §§ 241.021, 244.003, 254.051; and

WHEREAS, HHSC is responsible for promulgating the rules and minimum standards for hospitals and other health care providers and ensuring the efficient use of state and local health-related resources and monitoring Medicaid and other federal funding programs supporting health care services, see TEX. GOV'T CODE §§ 523.0001, 523.0002, 524.0001, 524.0151; TEX. HEALTH & SAFETY CODE §§ 62.051, 241.026; TEX. HUM. RES. CODE § 32.021; and

WHEREAS, the Texas Department of State Health Services (DSHS) administers the registration of vital statistics and licensing and regulates birthing facilities in Texas, see TEX. HEALTH & SAFETY CODE §§ 191.002, 192.002, 244.003, 311.032, 311.033; and

WHEREAS, the Office of Inspector General (OIG) of HHSC is tasked with preventing, detecting, auditing, inspecting, and investigating fraud, waste, and abuse in the provision and delivery of all health and human services in this State, see TEX. GOV'T CODE § 544.0103; and

WHEREAS, the Texas Medical Board (TMB) is tasked with regulating the practice of medicine, issuing, suspending, or revoking medical licenses, and promulgating rules concerning false or misleading advertising or other deceptive practices by a person licensed to practice medicine, see TEX. OCC. CODE §§ 152.001, 153.001, 153.002, 155.002, 155.212; and

WHEREAS, the Texas Board of Nursing (BON) is tasked with regulating the practice of professional nursing and vocational nursing, including by promulgating rules regarding specialized training, prescribing standards of professional conduct, and prohibiting false or misleading advertising or other deceptive practices, see TEX. OCC. CODE §§ 301.151, 301.152, 301.153; and

WHEREAS, the Texas Department of Licensing and Regulation (TDLR) is tasked with regulating the practice of midwifery, including by issuing, suspending, or revoking midwifery licenses, and promul-

gating rules prescribing the standards for the practice of midwifery, see TEX. OCC. CODE §§ 203.151, 203.251, 203.404;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and Statutes of the State of Texas, do hereby direct the following actions:

(1) DSHS, HHSC, OIG, TMB, BON, and TDLR must investigate claims of birth tourism schemes in Texas' healthcare industry and take action against licensed or regulated individuals and entities advertising, soliciting, engaging in, assisting with, providing, or otherwise participating in such activities, including by revoking or suspending licensure, prohibiting participation in state contracts, denying state benefits, or taking other enforcement action; and

(2) DSHS, HHSC, OIG, TMB, BON, and TDLR may, subject to approval by the Governor consistent with Article IV, Section 10 of the Texas Constitution, partner with federal prosecutors to identify and combat birth tourism schemes in Texas' healthcare industry, including by sharing information or resources and referring potential violations of federal law.

This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until modified, amended, rescinded, or superseded by the Governor.

Given under my hand this the 21st day of July, 2026.

Greg Abbott, Governor

TRD-202602985

◆ ◆ ◆

Proclamation 41-4297

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 8, 2022, as amended and renewed in a number of subsequent proclamations, certifying that exceptional drought conditions posed a threat of imminent disaster in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same drought conditions persist in certain counties in Texas and that the presence of drought conditions in certain counties contributes to increased wildfire danger;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Armstrong, Bailey, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Briscoe, Burnet, Caldwell, Cameron, Camp, Carson, Castro, Childress, Collingsworth, Comal, Concho, Cottle, Deaf Smith, Dickens, Donley, Floyd, Foard, Gray, Grayson, Hall, Hansford, Hardeman, Hartley, Hays, Hemphill, Hidalgo, Hutchinson, Irion, Jim Wells, Kendall, Kerr, Kleberg, Lipscomb, Live Oak, Llano, Lubbock, Moore, Motley, Nueces, Ochiltree, Oldham, Parmer, Potter, Randall, Real, Roberts, San Patricio, Swisher, Tom Green, Travis, Upshur, Willacy, Williamson, and Wood Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or admin-

istrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of July, 2026.

Greg Abbott, Governor

TRD-202602944

◆ ◆ ◆

Proclamation 41-4298

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 4, 2025, as amended and renewed in a subsequent proclamations, certifying that the heavy rainfall and flooding event that began on July 2, 2025, that included heavy rainfall and flash flooding, caused widespread and severe property damage, injury, or loss of life in several counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Bandera, Bexar, Burnet, Caldwell, Coke, Comal, Concho, Edwards, Gillespie, Guadalupe, Hamilton, Kendall, Kerr, Kimble, Kinney, Lampasas, Llano, Mason, Maverick, McCulloch, Menard, Real, Reeves, San Saba, Schleicher, Sutton, Tom Green, Travis, Uvalde, and Williamson counties;

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. Any statutes that might prevent the transfer of bodies to families as soon as possible are hereby suspended, including Sections 264.514 and 264.515 of the Texas Family Code and Articles 49.04, 49.05, 49.10, and 49.25 of the Texas Code of Criminal Procedure. Further, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of July, 2026.

Greg Abbott, Governor

TRD-202602945

◆ ◆ ◆

Proclamation 41-4299

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, I amended the aforementioned proclamation in a number of subsequent proclamations, including to modify the list of affected counties and therefore declare a state of disaster for those counties and for all state agencies affected by this disaster; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamations;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster for Aransas, Atascosa, Bee, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Coleman, Colorado, Crane, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Galveston, Goliad, Gonzales, Hidalgo,

Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Pecos, Presidio, Real, Refugio, San Jacinto, San Patricio, Schleicher, Shackelford, Starr, Sutton, Terrell, Throckmorton, Upton, Uvalde, Val Verde, Victoria, Webb, Wharton, Wilbarger, Willacy, Wilson, Zapata, and Zavala Counties and for all state agencies affected by this disaster. All orders, directions, suspensions, and authorizations provided in the Proclamation of May 31, 2021, as amended and renewed in subsequent proclamations, are in full force and effect.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of July, 2026.

Greg Abbott, Governor

TRD-202602946



PROPOSED RULES

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 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 742. MINIMUM STANDARDS FOR LISTED FAMILY HOMES

SUBCHAPTER D. NOTIFICATIONS AND LIABILITY INSURANCE REQUIREMENTS

26 TAC §742.402

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes new §742.402, concerning Disclosed Revocations and Parental Notice Requirements.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Senate Bill (SB) 225, 87th Legislature, Regular Session, 2021.

SB 225 added Texas Human Resources Code §42.0562, which requires the collection of information on any child care home employee who has had a revocation of a state-issued license, registration, certificate, permit, or other occupational authorization by a licensing authority.

HHSC Child Care Regulation (CCR) proposes a new rule to meet the requirements of Texas Human Resources Code §42.0562 and to extend those requirements to listed family home permit holders, controlling persons, employees, and prospective employees. The new rule also requires the listed family home to notify a parent for each enrolled child if a revocation is disclosed.

SECTION-BY-SECTION SUMMARY

Proposed new §742.402 requires (1) each permit holder, controlling person, employee, and prospective employee of a listed family home to complete a form disclosing any revocation of state-issued license, registration, certificate, permit, or other occupational authorization that allowed the practice or engagement in a particular business, occupation, or profession before the revocation; (2) a listed family home to notify, in writing, parents of children enrolled in the home if any person disclosed a revocation and what license, registration, or other occupational authorization was revoked; (3) a listed family home to keep the disclosure form and parental notice on file; and (4) parental notice only if the person who discloses the revocation is hired or continues to be affiliated with the listed family home.

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 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 any additional costs on small businesses, micro-businesses, or rural communities required to comply with the rule.

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 rule.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Deputy Executive 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 increased protections for children in listed family homes.

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 be-

cause the rule does not require any significant time or resources that would result in a cost to comply.

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 26R072" in the subject line.

STATUTORY AUTHORITY

The new rule 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 agencies, as well as Texas Government Code §524.0005, which provides the executive commissioner with broad rule-making authority. In addition, §742.402 is authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out the provisions of Chapter 42.

The proposal implements Texas Human Resources Code §42.0562 and §42.042.

§742.402. Disclosed Revocations and Parental Notice Requirements.

(a) Each listed family home permit holder, controlling person, employee, and prospective employee must complete a form disclosing any revocation of a state-issued license, registration, certificate, permit, or other occupational authorization to practice or engage in a particular business, occupation, or profession. The disclosure form must include the:

(1) full legal name of the person or business entity, if different;

(2) name of the licensing authority and the type of license, registration, certificate, permit, or occupational authorization revoked;

(3) date of revocation; and

(4) signature of the person completing the form and date the form was completed.

(b) When a revocation is disclosed as described in subsection (a) of this section, the listed family home must provide written notice to parents of all enrolled children.

(1) For the purposes of this section, a parent is a person who has legal responsibility for or legal custody of a child, including the managing conservator or legal guardian.

(2) The notice must state that a person associated with the operation has had a revocation and specify the type of license, registration, certificate, permit, or other occupational authorization revoked.

(3) A parent for each enrolled child must sign and date the written notice.

(c) The listed family home must keep the disclosure form and the signed parental notice on file for review by Child Care Regulation.

(d) The parental notice described in subsection (b) of this section is not required if the person who discloses the revocation is not hired or is no longer affiliated with the listed family 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 July 15, 2026.

TRD-202602924

Karen Ray

Chief Counsel

Health and Human Services Commission

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 438-3269



CHAPTER 747. MINIMUM STANDARDS FOR CHILD CARE [~~CHILD-CARE~~] HOMES SUBCHAPTER B. ADMINISTRATION AND COMMUNICATION

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §747.207 concerning What are my responsibilities as the primary caregiver; and new §747.311, concerning Disclosed Revocations and Parental Notice Requirements.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Senate Bill (SB) 225, 87th Legislature, Regular Session, 2021.

SB 225 added Texas Human Resources Code §42.0562, which requires the collection of information on any child care home employee who has had a revocation of a state-issued license, registration, certificate, permit, or other occupational authorization by a licensing authority.

The proposal also amends a rule to require that a child care home's primary caregiver comply with Texas Workforce Commission Child Care Services (CCS) requirements when receiving subsidies. The proposed amendment strengthens rules related to a child care home's compliance with the CCS program requirements if receiving subsidies.

HHSC Child Care Regulation (CCR) proposes a new rule to meet the requirements of Texas Human Resources Code §42.0562 and to extend those requirements to child care home permit holders, controlling persons, employees, and prospective employees. The new rule also requires the child care home to notify a parent for each enrolled child if a revocation is disclosed.

In addition, CCR is making non-substantive changes, including the removal of the hyphen between "child" and "care."

SECTION-BY-SECTION SUMMARY

The proposed amendment to §747.207 (1) amends the rule title; (2) adds language requiring compliance with CCS program requirements if receiving CCS subsidies; and (3) makes non-substantive changes for better readability and understanding.

Proposed new §747.311 requires (1) each permit holder, controlling person, employee, and prospective employee of a child care home to complete a form disclosing any revocation of state-issued license, registration, or other occupational authorization that allowed the practice or engagement in a particular business, occupation, or profession before the revocation; (2) a child care home to notify, in writing, parents of children enrolled in the child care home if any person disclosed a revocation and what license, registration, or other occupational authorization was revoked; (3) a child care home to keep the disclosure form and parental notice on file; and (4) parental notice only if the person who discloses the revocation is hired or continues to be affiliated with the child care home.

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 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 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

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities 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 are necessary to protect the health, safety, and welfare of the residents of Texas; 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, Deputy Executive Commissioner for Child Care Regulation, has determined that for each year of the first five years the rules are in effect the public benefit will be increased protections for children in child care homes and greater accountability for child care homes receiving CCS subsidies.

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 rules do not require any significant time or resources that would result in a cost to comply.

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 HHRulesCoordinationOffice@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 26R072" in the subject line.

DIVISION 1. PRIMARY CAREGIVER RESPONSIBILITIES

26 TAC §747.207

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 agencies, as well as Texas Government Code §524.0005, which provides the executive commissioner with broad rule-making authority. In addition, §747.207 and §747.311 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out the provisions of Chapter 42.

The proposal implements Texas Human Resources Code §42.0562 and §42.042.

§747.207. Primary Caregiver Responsibilities. [What are my responsibilities as the primary caregiver?]

The primary caregiver must [You are responsible for]:

(1) develop [Developing] and follow the [implementing your child-care home's] operational policies, as specified in this chapter [; which comply with or exceed Division 4 of this subchapter (relating to Operational Policies)];

(2) ensure [Ensuring] all assistant caregivers and substitute caregivers follow the [comply with the relevant] minimum standards [for those caregivers], as specified in this chapter, and receive [are provided] assignments that match each caregiver's [their] skills, abilities, and training;

(3) ensure [Ensuring] all household members follow [comply with] the minimum standards [that apply to household members], as specified in this chapter;

(4) report any [Reporting] suspected abuse, neglect, or exploitation directly to the Texas Abuse and Neglect Hotline, as required by Texas Family Code §261.101 [§261.1401]. The [You may not delegate your] responsibility to make a report cannot be delegated, and the primary caregiver [you] may not require a household member or employee to seek approval to make [file] a report or to notify the primary caregiver [you] that a report was made;

(5) allow a parent to [Ensuring parents can] visit the child care [your child-care] home any time during operating hours, without [all hours of operation to observe their child, program activities, the home, the grounds, and the equipment, without having to secure] prior approval;

(6) request [Initiating] background checks as specified in Chapter 745, Subchapter F of this title (relating to Background Checks);

(7) keep [Ensuring] all information about [related to] background checks [is kept] confidential and protect background check information from disclosure [not disclosed] to unauthorized persons, as required by law [the Human Resources Code, §40.005(d) and (e)];

(8) follow [Complying with the] liability insurance requirements in this division;

(9) ensure the number of children in care, both at the child care home and away from the home, such as during a field trip, does not exceed the licensed or registered capacity;

(10) [(9)] comply [Complying] with[;]

[(A)] [The child-care licensing law, found in] Chapter 42 of the Human Resources Code, [;]

[(B)] all [All] the minimum standards, and [that apply to your licensed or registered child-care home, as specified in this chapter;]

[(C)] any [All] other [applicable laws and rules in the] Texas Administrative Code rules that apply; and

[(10)] Ensuring the total number of children in care at the home or away from the home, such as during a field trip, never exceeds the capacity of the home as specified on the license or registration.-]

(11) comply with all Texas Workforce Commission Child Care Services (CCS) requirements when receiving CCS subsidies. Failure to follow CCS requirements, including knowingly or negligently failing to meet any provider requirements or responsibilities outlined in Title 40, Texas Administrative Code Chapter 809, is considered a violation of the Texas Health and Human Services Commission minimum 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.

Filed with the Office of the Secretary of State on July 15, 2026.

TRD-202602925

Karen Ray

Chief Counsel

Health and Human Services Commission

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 438-3269



DIVISION 2. REQUIRED NOTIFICATIONS

26 TAC §747.311

STATUTORY AUTHORITY

The new rule 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 agencies, as well as Texas Government Code §524.0005, which provides the executive commissioner with broad rule-making authority. In addition, §747.207 and §747.311 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out the provisions of Chapter 42.

The proposal implements Texas Human Resources Code §42.0562 and §42.042.

§747.311. Disclosed Revocations and Parental Notice Requirements.

(a) Each child care home permit holder, controlling person, employee, and prospective employee must complete a form disclosing any revocation of a state-issued license, registration, certificate, permit, or other occupational authorization to practice or engage in a particular business, occupation, or profession. The disclosure form must include the:

(1) full legal name of the person or business entity, if different;

(2) name of the licensing authority and the type of license, registration, certificate, permit, or occupational authorization revoked;

(3) date of revocation; and

(4) signature of the person completing the form and date the form was completed.

(b) When a revocation is disclosed as described in subsection (a) of this section, the child care home must provide written notice to parents of all enrolled children.

(1) For the purposes of this section, a parent is a person who has legal responsibility for or legal custody of a child, including the managing conservator or legal guardian.

(2) The notice must state that a person associated with the operation has had a revocation and specify the type of license, registration, certificate, permit, or other occupational authorization revoked.

(3) A parent for each enrolled child must sign and date the written notice.

(c) The child care home must keep the disclosure form and the signed parental notice on file for review by Child Care Regulation.

(d) The parental notice described in subsection (b) of this section is not required if the person who discloses the revocation is not hired or is no longer affiliated with 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.

Filed with the Office of the Secretary of State on July 15, 2026.

TRD-202602926

Karen Ray

Chief Counsel

Health and Human Services Commission

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 438-3269



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 1. GENERAL ADMINISTRATION

SUBCHAPTER C. ASSESSMENT OF MAINTENANCE TAXES AND FEES

28 TAC §1.414

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §1.414 concerning the assessment of maintenance taxes, surcharges and fees collected from the sale of insurance policies. The amendments to §1.414 implement Senate Bill 1455, 89th Legislature, 2025.

EXPLANATION. Amending §1.414 is necessary to implement SB 1455, which amended the Insurance Code and Labor Code to replace the collection of maintenance taxes for workers' compensation insurance with the collection of workers' compensation surcharges.

The amendments to §1.414 replace "maintenance tax" with "surcharge" and add "surcharge" to subsections pertaining to workers' compensation to conform with the terminology change in SB 1455.

In addition, the proposed amendments include nonsubstantive rule drafting and formatting changes for plain language and to conform the section to the agency's current style and to improve the rule's clarity. These changes include lowercasing "Commissioner" and adding the title of statutory citations for transparency.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Amy Maddox, chief financial officer of the Financial Services Office in the Administrative Operations Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by statute. Ms. Maddox made this determination because the proposed amendment does not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendment.

Ms. Maddox does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Maddox expects that administering the proposed amendment will have the public benefit of ensuring that TDI's rules conform to SB 1455 and allow for Texas-based workers' compensation insurers to be more competitive out of state.

Ms. Maddox expects that the proposed amendment will not increase the cost of compliance with §1.414 because it does not impose requirements beyond those in the statute. SB 1455 requires that the same maintenance taxes paid as before will now be classified as surcharges for workers' compensation insurance. As a result, the cost associated with the change of terminology required by SB 1455 does not result from the enforcement or administration of the proposed amendment.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities. Proposed §1.414 does not change the amount insurers will pay or cause any business operations to change for regulated entities. It only changes the term "maintenance taxes" to "surcharges." As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. In addition, no rule amendments are required under Government Code §2001.0045 because the proposed §1.414 is necessary to implement legislation. The proposed rule implements SB 1455.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on August 31, 2026. Consistent with Government Code §2001.024(a)(8), TDI requests

public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. Send your comments to Chief-Clerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2870. This proposal will be part of a rule hearing docket that will begin at 10:00 a.m., central time, on August 25, 2026. TDI will hold the public hearing remotely using online resources and in person at the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701 in Room 2.035. Visit www.tdi.texas.gov/alert/event/index.html for more information on the proposed rule, hearing, and comment submission.

STATUTORY AUTHORITY. TDI proposes amendments to §1.414 under Insurance Code §251.001 and §36.001.

Insurance Code §251.001 requires the commissioner to annually determine the rate of assessment of each maintenance tax or workers' compensation surcharge imposed under Title 3, Subtitle C of the Insurance Code.

Insurance Code §36.001 authorizes the commissioner to adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of the state.

CROSS-REFERENCE TO STATUTE. Section 1.414 implements SB 1455.

§1.414. Assessment of Maintenance Taxes, Surcharges, and Fees.

(a) Each calendar year by commissioner [~~Commissioner~~] order the department will assess rates for maintenance taxes, surcharges and fees on the gross premiums of insurers for the following lines of insurance:

(1) motor vehicle insurance, under Insurance Code §254.002, concerning Maximum Rate; Annual Adjustment;

(2) casualty insurance and fidelity, guaranty, and surety bonds, under Insurance Code §253.002, concerning Maximum Rate; Annual Adjustment;

(3) fire insurance and allied lines, including inland marine, under Insurance Code §252.002, concerning Maximum Rate; Annual Adjustment;

(4) workers' compensation insurance, under Insurance Code §255.002, concerning Maximum Rate; Annual Adjustment;

(5) workers' compensation insurance, under Labor Code §403.003, concerning Rate of Surcharge;

(6) workers' compensation insurance, under Labor Code §405.003, concerning Funding; Surcharge and Recovery of Surcharge by Insurers;

(7) workers' compensation insurance, under Labor Code §407A.301, concerning Surcharge for Division and Research Functions of Department;

(8) workers' compensation insurance, under Labor Code §407A.302, concerning Surcharge for Department; and

(9) title insurance, under Insurance Code §271.005, concerning Maximum Rate; Annual Adjustment.

(b) Each calendar year by commissioner [~~Commissioner~~] order the department will assess the rate for the maintenance tax to be

assessed on gross premiums of insurers for life, health, and accident insurance and the gross considerations for annuity and endowment contracts, under Insurance Code §257.002, concerning Maximum Rate; Annual Adjustment.

(c) Each calendar year by commissioner [~~Commissioner~~] order the department will assess rates for maintenance taxes for the following entities:

(1) under Insurance Code §258.003, concerning Maximum Rate; Annual Adjustment, an amount per enrollee for:

- (A) single service health maintenance organizations;
- (B) multiservice health maintenance organizations; and
- (C) limited service health maintenance organizations;

and

(2) under Insurance Code §259.003, concerning Maximum Rate; Annual Adjustment, a rate of the correctly reported gross amount of administrative or service fees for third-party administrators.

(d) Each calendar year by commissioner [~~Commissioner~~] order the department will assess a surcharge rate [~~for maintenance tax~~] under Labor Code §405.003 for each certified self-insurer, to fund the Workers' Compensation Research and Evaluation Group. The rate will be calculated under Labor Code §407.103(b), concerning Self-Insurer Surcharge; Effect on General Surcharge, and it will be billed to the certified self-insurer by the Division of Workers' Compensation.

(e) Each calendar year by commissioner [~~Commissioner~~] order the department will assess a surcharge rate [~~for maintenance tax~~] under Labor Code §405.003 and §407A.301 for each workers' compensation self-insurance group, to fund the Workers' Compensation Research and Evaluation Group. The rate will be calculated under Labor Code §407.103(b).

(f) Each calendar year by commissioner [~~Commissioner~~] order the department will assess a surcharge rate [~~for maintenance tax~~] under Labor Code §407.103 and §407.104, concerning Collection of Surcharges and Fees; Administrative Violation, for each certified self-insurer. The rate will be calculated under Labor Code §407.103(b), and it will be billed to the certified self-insurer by the Division of Workers' Compensation.

(g) The maintenance tax and surcharge revenue need is calculated as the amount of revenue needed to reach the targeted year-end fund balance, considering [~~taking into account~~] the beginning balance, other expected [~~non-maintenance tax~~] revenues, and estimated expenditures. For each line of insurance:

(1) the assessment rate is calculated by dividing the revenue need by the estimated premium volume or assessment base; and

(2) if the calculated rate is above the statutory rate, the rate is set at the statutory maximum and any revenue shortfall is spread to the other maintenance tax or surcharge lines, increasing the revenue need and tax rates for the remaining lines.

(h) The taxes, surcharges and fees assessed by the commissioner [~~Commissioner~~] order issued under subsections (a), (b), (c), and (e) of this section will be payable and due to the Comptroller of Public Accounts on March 1 each year.

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 July 16, 2026.
TRD-202602936



CHAPTER 5. PROPERTY AND CASUALTY INSURANCE

SUBCHAPTER G. WORKERS' COMPENSA- TION INSURANCE

DIVISION 2. GROUP SELF-INSURANCE COVERAGE

28 TAC §§5.6401 - 5.6411, 5.6413

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §§5.6401 - 5.6411 and 5.6413, concerning group self-insurance coverage. Amendments to §5.6401 and §5.6403 implement Senate Bill 264, 89th Legislature, 2025.

EXPLANATION. Amending §5.6401 and §5.6403 is necessary to implement SB 264, which added Labor Code §407A.0521, concerning New Certificates of Approval Prohibited. Section 407A.0521 prohibits the issuance of a certificate of approval to a proposed group on or after September 1, 2025, though it provides that the commissioner may amend a certificate of approval issued to a group before September 1, 2025.

The proposed amendments to §§5.6402, 5.6404 - 5.6411, and 5.6413 include nonsubstantive rule drafting and formatting changes for plain language to conform the sections to the agency's current style and to improve clarity. These changes include changing "shall" to "must," "will," or "may"; "pursuant to" to "under"; "percent" to "%"; and lowercasing "commissioner." Amendments also add chapter and section titles and correct grammatical errors such as fixing unhyphenated adjectives, adding missing commas, and removing unnecessary articles.

Descriptions of the sections' proposed amendments follow.

Section 5.6401. An amendment to §5.6401 removes a reference to applicants, since under Labor Code §407A.0521 applications for new self-insurance group certificates may no longer be approved. Amendments also include nonsubstantive rule drafting and formatting changes.

Section 5.6402. Amendments to §5.6402 include nonsubstantive rule drafting and formatting changes.

Section 5.6403. Amendments to §5.6403 include disallowing unincorporated associations or business trusts that propose to organize as workers' compensation self-insurance groups to file applications for certificates of approval; stating that the commissioner will no longer issue new certificates of approval to proposed groups; stating the commissioner may amend a certificate of approval issued to a group before September 1, 2025; and nonsubstantive rule drafting and formatting changes.

Section 5.6404. Amendments to §5.6404 include nonsubstantive rule drafting and formatting changes.

Section 5.6405. Amendments to §5.6405 include replacing outdated references to provisions from the uncodified Insurance Code and nonsubstantive rule drafting and formatting changes.

Section 5.6406. Amendments to §5.6406 include nonsubstantive rule drafting and formatting changes.

Section 5.6407. Amendments to §5.6407 include nonsubstantive rule drafting and formatting changes. No changes are proposed to Figure 28 TAC §5.6407(b).

Section 5.6408. Amendments to §5.6408 include nonsubstantive rule drafting and formatting changes for plain language. No changes are proposed to Figure 28 TAC §5.6408(c).

Section 5.6409. Amendments to §5.6409 include nonsubstantive rule drafting and formatting changes.

Section 5.6410. Amendments to §5.6410 include replacing outdated references to provisions from the uncodified Insurance Code and nonsubstantive rule drafting and formatting changes.

Section 5.6411. Amendments to §5.6411 include nonsubstantive rule drafting and formatting changes.

Section 5.64013. Amendments to §5.6413 include nonsubstantive rule drafting and formatting changes.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Jamie Walker, deputy commissioner of the Financial Regulation Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by statute. Ms. Walker made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Walker does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Walker expects that administering them will have the public benefits of ensuring that TDI's rules conform to Labor Code §407A.0521 and ensuring that TDI's rules are accurate and transparent by adding titles to citations and eliminating errors in punctuation and grammar.

Ms. Walker expects that the proposed amendments will not increase the cost of compliance with Labor Code §407A.0521 because it does not impose requirements beyond those in statute. Labor Code §407A.0521 prohibits the commissioner from issuing a certificate of approval to a proposed group on or after September 1, 2025. As a result, any cost associated with the rule does not result from the enforcement or administration of the proposed amendments.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities because the amendments are largely nonsubstantive in nature and do not impose requirements beyond those in statute. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. In addition, no additional rule amendments are required under Government Code §2001.0045 because the proposed Texas Self-Insurance

Group Guaranty Fund Rule is necessary to implement legislation. The proposed rule implements Labor Code §407A.0521, as added by SB 264.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on August 31, 2026. Consistent with Government Code §2001.024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. Send your comments to Chief-Clerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2869 at 10:00 a.m., central time, on August 25, 2026. TDI will hold the public hearing remotely using online resources and in person at the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701 in Room 2.035. Details of how to view and participate virtually in the public hearing will be made available on TDI's website at www.tdi.texas.gov/alert/event/index.html.

STATUTORY AUTHORITY. TDI proposes amendments to §§5.6401 - 5.6411 and 5.6413 under Labor Code §407A.008 and Insurance Code §4151.006 and §36.001.

Labor Code §407A.008 authorizes the commissioner to adopt rules as necessary to implement Labor Code Chapter 407A.

Insurance Code §4151.006 authorizes the commissioner to adopt rules that are fair, reasonable, and appropriate to augment and implement Insurance Code Chapter 4151.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section 5.6401 and §5.6403 implement Labor Code §407A.0521. Sections 5.6402, 5.6403, and 5.6411 implement Insurance Code §4151.006. Sections 5.6401 - 5.6411 and 5.6413 implement Labor Code §407A.008 and Insurance Code §36.001.

§5.6401. Purpose and Scope.

This division establishes the licensing, contracting, reporting, and financial requirements, procedures, responsibilities, and obligations applicable to ~~[applicants and]~~ workers' compensation self-insurance groups holding a certificate of approval issued under ~~[the]~~ Labor Code Chapter 407A, concerning Group Self-Insurance Coverage.

§5.6402. Definitions.

(a) The following words and terms, when used in this division, ~~[shall]~~ have the following meanings~~;~~ unless the context clearly indicates otherwise.

(1) Actuary--A member in good standing of the Casualty Actuarial Society or a member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserves opinions by the Casualty Practice Council of the American Academy of Actuaries.

(2) Administrator--An individual, partnership, or corporation engaged by the board of trustees of a group to implement the policies established by the board of trustees and to provide day-to-day management of the group, as defined in ~~[the]~~ Labor Code §407A.001(a)(1), concerning Definitions. Day-to-day management may include, but is not limited to, claims adjustment; safety engineering; compilation of statistics and the preparation of premium, loss, and tax reports; preparation of other required self-insurance reports; development of members' assessments and fees; and administration of a claim fund. For purposes of this division, administrator includes and has the same meaning as managing company, as that term is defined in ~~[the]~~ Labor Code §407A.001(a)(5-a). Any reference to the term administrator in this division in all contexts necessarily includes and references both administrator and managing company.

(3) Books and records ~~[Reeords]~~--All books, accounts, records, documents, written agreements, contracts, papers, correspondence, claims files, receipts, bills, notes, pleadings, investigatory files, or any other written or electronic material relating to the business of a group.

(4) Certified public accountant ~~[Public Accountant]~~--An accountant or firm in good standing with the American Institute of Certified Public Accountants and the Texas State Board of Public Accountancy and who conforms to the Code of Professional Ethics of the American Institute of Certified Public Accountants.

(5) Commissioner--The commissioner of insurance ~~[Commissioner of Insurance]~~.

(6) Department--The Texas Department of Insurance.

(7) Group--An unincorporated association or business trust composed of five or more private employers that meet all of the requirements of ~~[the]~~ Labor Code Chapter 407A, concerning Group Self-Insurance Coverage, and this division.

(8) Managing company--As defined in paragraph (2) of this subsection.

(9) Modified schedule rating premium--As defined in ~~[the]~~ Labor Code §407A.001(a)(6).

(10) Person--An individual, partnership, corporation, organization, government or governmental subdivision or agency, business trust, estate trust, association, or any other legal entity.

(11) Same or similar--As set forth in [the] Labor Code §407A.001(a)(7).

(12) Service company--A person that directly or indirectly provides services to or on behalf of a group, other than the services provided by an administrator, including, but not limited to:

- (A) claims adjustment;
 - (B) safety engineering;
 - (C) compilation of statistics and the preparation of premium, loss, and tax reports;
 - (D) preparation of other required self-insurance reports;
 - (E) development of members' assessments and fees;
- and
- (F) administration of a claim fund.

(13) Third-party [Third party] administrator--An administrator or service company, as those terms are defined under this division, that holds itself out or acts as an administrator, as that term is defined in [the] Insurance Code §4151.001(1), concerning Definitions.

(b) A group must [shall] engage only one administrator to implement the policies established by the board of trustees and to provide day-to-day management of the group. A group may engage more than one service company to provide services to the group.

(c) An individual, partnership, or corporation may act as an administrator for more than one group.

(d) An individual, partnership, or corporation may act as an administrator for one group and as a service company for another group.

(e) An individual, partnership, or corporation may not act as both an administrator and a service company for the same group at the same time.

§5.6403. Application for Initial Certificate of Approval.

(a) Consistent with Labor Code §407A.0521, concerning New Certificates of Approval Prohibited, [An] unincorporated associations [association] or business trusts [trust composed of five or more private employers] that propose [proposes] to organize as [a] workers' compensation self-insurance groups may no longer file applications for certificates [group shall file with the department an application for a certificate] of approval with the department.

(1) Consistent with Labor Code §407A.0521, the commissioner will no longer issue new certificates of approval to proposed groups.

(2) As permitted by Labor Code §407A.0521, the commissioner may amend a certificate of approval that was issued to a group before September 1, 2025.

(b) Contents of the application must include the information required by Labor Code §407A.051, concerning Application for Initial Certificate of Approval; Approval Requirements.

(c) In addition to the information required under subsection (b) of this section, an applicant must [shall] also provide the following:

(1) A statement that demonstrates that the members of the group are in the same or similar type of business as required by Labor Code §407A.002(a)(1), concerning Application of Chapter; Establishment of Private Group.

(A) The statement should demonstrate that the members of the group have the same governing classification.

(B) If the members of the proposed group have different governing classifications, the statement should demonstrate how the business pursuits of the members of the group are similar enough in operation in the commissioner's [Commissioner of Insurance's] discretion to be grouped together.

(2) To aid the department in making the determination that the trade or professional association meets the requirements of Labor Code §407A.002(a)(2) that the trade or professional association has been in existence in this state for purposes other than insurance for five years before the establishment of the group, provide copies of documents relating to the organization, governance, and operation of the association and a narrative describing the association's activities [of the association]. Annual reports, conventions, seminars, dues requirements, newsletters, and other evidence acceptable to the commissioner [Commissioner of Insurance] may be submitted to aid the department in making its determination.

(3) In addition to the copy of the group's bylaws [of the group] required by Labor Code §407A.051(c)(6), submit copies of documents relating to the organization, governance, and operation of the group.

(4) Financial statement projections on a quarterly basis [Projected financial statements] for [the] 24 months [month period] from the group's start of operations including a [using quarterly] balance sheet [projections] based on the group's fiscal year, [quarterly] cash flow schedules reflecting expenditures by category, [quarterly] revenue and expenses, [expense projections] and an actuarial opinion [projection] of the group's total projected incurred liabilities for workers' compensation that [which] demonstrate compliance with Labor Code §407A.051(c)(10). The actuarial opinion must [which requires the group to] show the group's [its] financial ability to pay the workers' compensation obligations of the employers who are members of the group. The [and Labor Code §407A.053(e) which requires the] group must [to] post security equal to the greater of \$300,000 or 25% of the group's total incurred liabilities for workers' compensation in compliance with Labor Code §407A.053(c), concerning Financial Requirements. The projections must [shall] include an estimate of the employees to be covered on which the projections and actuarial assumptions are based. The projections must reflect the identity, qualifications, and credentials of the persons making the projections.

(5) A written commitment, binder, or policy or contract of excess insurance that meets the requirements of §5.6405 of this title [division] (relating to Excess Insurance).

(6) A fidelity bond for an administrator in the amount of \$250,000. The fidelity bond must meet the requirements of §5.6408 of this title [division] (relating to Fidelity and Performance Bonds).

(7) A fidelity bond for a service company identified under [pursuant to] paragraph (12)(A) or (B) of this subsection, if there is one, in the amount of \$250,000. The fidelity bond must meet the requirements of §5.6408 of this title [division].

(8) A performance bond for a service company identified under [pursuant to] paragraph (12)(A) of this subsection that provides claims service to or on behalf of a group, if there is one, in the amount of \$250,000. This performance bond is in addition to the fidelity bond required in paragraph (7) of this subsection for a service company. The performance bond must [shall] be in the form prescribed in §5.6408 of this title [division].

(9) An indemnity agreement executed by the members of the group binding the members, jointly and severally, for the obligations of the group. At a minimum, the agreement must [shall] include

the provisions described in §5.6406 of this title ~~[division]~~ (relating to Indemnity Agreement).

(10) An acknowledgment ~~[acknowledgement]~~, in the form prescribed in §5.6407 of this title ~~[division]~~ (relating to Acknowledgment ~~[Acknowledgement]~~ of Indemnity Agreement), executed by each member of the group that it is aware that it can be called upon to pay the workers' compensation claims of another member of the group under ~~[pursuant to the]~~ Labor Code Chapter 407A, concerning Group Self-Insurance Coverage.

(11) The statement required by §5.6404 of this title ~~[division]~~ (relating to Notification to the Department and Responsibility for Continued Compliance).

(12) A business plan or plan of operation that describes the group's business activities, safety program, and organization. The plan must also include:

(A) the identity of the administrator of the group and any third-party ~~[third party]~~ administrator that provides services to or on behalf of the group;

(B) excluding any person identified under ~~[pursuant to]~~ subparagraph (C) of this paragraph, the identity of any service company that performs one or more of the following services:

(i) provides cash and asset management services to a group, including any person that has access to or disbursement authority over any of the group's assets and accounts;

(ii) maintains the group's accounting records or organizational documents;

(iii) stores or maintains the group's electronic books and records, including a person identified by a group under §5.6409(b)(3) of this title ~~[division]~~ (relating to Books and Records); or

(iv) provides management of a function ~~[for which]~~ the group retains ultimate responsibility for under the Insurance Code, ~~[the]~~ Labor Code, or rules adopted under those codes ~~[thereunder]~~;

(C) the identity of:

(i) the accountant of the group; and

(ii) the actuary of the group.

(D) a general description of the experience, qualifications, facilities, and personnel of a person identified under ~~[pursuant to]~~ subparagraph (A) or (B) of this paragraph; and

(E) the identity of the affiliates of a person identified under ~~[pursuant to]~~ subparagraph (A) or (B) of this paragraph. A group may identify such affiliates in an organizational chart.

(13) A copy of each written agreement required under §5.6411 of this title ~~[division]~~ (relating to Contract Provisions).

(14) A statement that a third-party ~~[third party]~~ administrator identified under ~~[pursuant to]~~ paragraph (12)(A) of this subsection either holds the required authorization from the department or has applied for the required authorization from the department and that the group will verify that such authorization has been granted by the department before the group allows the third-party ~~[third party]~~ administrator to provide services to or on behalf of the group.

(d) The group must also submit ~~[the following]~~:

(1) proof that it has received payment or a promise to pay from each member of 25% of its first-year ~~[first year]~~ estimated modified schedule rating premium. If the group approves a member's sub-

mission of a promise to pay the 25% of premium, the employer must submit payment of the amount promised no later than 10 days after the effective date of the member's coverage with the group;~~;~~ or

(2) a certification by a certified public accountant and an actuary that assets and reserves of the trust satisfy the requirement of ~~[the]~~ Labor Code §407A.051(c)(11)(B).

(e) Each member of the initial board of trustees of a group, subsequent members of the board of trustees of a group, and the executive officers of a person identified under ~~[pursuant to]~~ subsection (c)(12)(A) or (B) of this section must ~~[shall]~~ provide to the department a completed biographical affidavit in accordance with §7.1604(b)(1)(C) of this title (relating to Application for Certificate of Authority ~~[Denial, Suspension, Cancellation, or Revocation]~~). A biographical affidavit is not required if a biographical affidavit from the individual has been filed with the department within the prior three years and contains substantially accurate information. A biographical affidavit must demonstrate that the affiant has sufficient experience, ability, standing, and good record to make success of a group probable.

(f) Each member of the initial board of trustees of a group, subsequent members of the board of trustees of a group, and the executive officers of a person identified under ~~[pursuant to]~~ subsection (c)(12)(A) or (B) of this section must ~~[shall]~~ comply with the requirements of Chapter 1, Subchapter D, of this title (relating to Effect of Criminal Conduct).

(g) A person subject to this division and to the requirements of ~~[the]~~ Insurance Code §4151.055, concerning Fidelity Bond Required, may satisfy the requirements of §4151.055 by obtaining a fidelity bond that meets the requirements of subsection (c)(6) or (7) of this section, as applicable.

(h) Under ~~[Pursuant to the]~~ Labor Code §407A.051(b)(7), the commissioner may require the submission of any other relevant information reasonably required to determine whether to approve or disapprove an application for a certificate of approval.

§5.6404. Notification to the Department and Responsibility for Continued Compliance.

(a) No later than 30 days after the effective date of the change, a group must ~~[shall]~~ provide written notice to the department identifying:

(1) any change in the information filed by the group under ~~[the]~~ Labor Code §407A.051(c), concerning Application for Initial Certificate of Approval; Approval Requirements, and §5.6403 of this title ~~[division]~~ (relating to Application for Initial Certificate of Approval); and

(2) any change in the group's manner of compliance with ~~[the]~~ Labor Code §407A.051(c) and §5.6403 of this title ~~[division]~~.

(b) A group must meet the requirements of ~~[the]~~ Labor Code §407A.051(c) and §5.6403 of this title ~~[division]~~ as those requirements apply to any change of information identified by a group under ~~[pursuant to]~~ subsection (a) of this section.

(c) A group must ~~[shall]~~ provide written notice to the department no later than 10 days of first becoming aware that any hazardous financial condition exists, or that, in the opinion of its administrator, any hazardous financial condition is likely to occur. For purposes of this subsection only, hazardous financial conditions include the conditions described in ~~[the]~~ Labor Code §407A.355(a) and (b), concerning Deficits; Insolvencies, and any event, series of events, or negative trend that may affect the group's ability to continue as a viable group.

(d) A group must ~~[shall]~~ acknowledge its responsibilities under this section by executing a statement that it will meet the notifica-

tion requirements of subsections (a) and (c) of this section and filing it with the department.

(e) A group is required to maintain at all times the qualifications necessary to obtain a certificate of approval issued under [the] Labor Code Chapter 407A, concerning Group Self-Insurance Coverage [at all times].

§5.6405. Excess Insurance.

(a) Unless otherwise approved by the commissioner, a group must [shall] obtain excess insurance for losses that exceed a group's retention in an amount that will pay all benefits required under the Labor Code and rules adopted thereunder for a compensable claim.

(b) The group must [shall] obtain and maintain excess insurance coverage from an insurer that has a certificate of authority from the department [Texas Department of Insurance] or from an eligible surplus lines insurer in compliance with Insurance Code Chapter 981, concerning Surplus Lines Insurance, [of the Texas Insurance Code] and related provisions of the Texas Administrative Code, provided that:

(1) the surplus lines insurer is also certified as a trusted reinsurer by the department [Texas Department of Insurance], in accordance with [Insurance Code, Article 5.75-1(b)(3) (effective April 1, 2007, Article 5.75-1(b)(3) is repealed and re-adopted as] Insurance Code §§493.102, concerning Credit for Reinsurance Generally; 493.152, concerning Composition of Trust; 493.153, concerning Form of Trust; 493.154, concerning Terms of Trust; [-] 493.155, concerning Reports and Certification; and 493.157, concerning Authorized Reinsurance; Credit and Accounting [495 157)];

(2) the surplus lines insurer maintains a financial strength rating of "A-" or better, as determined by A.M. Best Company;

(3) the surplus lines insurer provides a clean, irrevocable, and unconditional letter of credit in favor of the group as beneficiary and held by the group, subject to withdrawal solely by and under the exclusive control of the group, to secure the payment of losses, including losses, loss adjustment expenses, incurred but not reported losses, and any other obligation of the surplus lines insurer under the terms and conditions of the excess insurance policy, whether paid or unpaid by the group:

(A) in no less than the greater of:

(i) the amount of actuarially projected losses to ultimate; or

(ii) the amount of actual losses to ultimate;

(B) issued by a qualified United States financial institution as defined in [Insurance Code, Article 5.75-1(e) (effective April 1, 2007, Article 5.75-1(e) is repealed and re-adopted as] Insurance Code §§493.002, concerning Applicability of Chapter; 493.102, concerning Credit for Reinsurance Generally, and 493.104, concerning Credit for Funds Securing Reinsurance Obligations[]]; and

(C) provided the letter of credit is in a form acceptable to the department [Texas Department of Insurance] and meets the requirements in 28 TAC §7.610 (relating to Letter of Credit Requirements), except for those requirements that apply solely to reinsurance agreements;

(4) the group timely collects recoverables and receivables from the surplus lines insurer, but in no event, later than 90 days, including, if needed, drawing down on the letter of credit;

(5) the group submits the surplus lines policy forms, renewal forms, certificates, endorsements and amendments applicable thereto, and any agreements between the surplus lines insurer and the group to the department [Texas Department of Insurance] for review

prior to use and the group may not accept or enter into any agreement or arrangement with the surplus lines insurer that has not been reviewed by the department [Texas Department of Insurance];

(6) the group demonstrates to the satisfaction of the department [Texas Department of Insurance] that the group meets the requirements of subsection (b) of this section before obtaining and in order to maintain excess insurance coverage from an eligible surplus lines insurer; and

(7) the group notifies the commissioner [Commissioner] in writing no less than five calendar days after receiving notice of cancellation or nonrenewal of the excess insurance policy and no less than 30 calendar days before [prior to] the effective date of any proposed change in the excess insurance policy, by endorsement or otherwise.

(c) A group may petition the department to obtain excess insurance in an amount that is different than the amount required by subsection (a) of this section. In determining whether to grant a group's petition, the commissioner will [shall] consider the current market conditions; a group's size, types of employment, years in existence, and risk exposure; other forms, if any, of additional financial security available to the group; and any other relevant factor. In no event, however, may [shall] a group's excess insurance coverage be less than \$10 million per occurrence.

(d) To assist the commissioner in making the determination under subsection (c) of this section, the group must [shall], at a minimum, submit an analysis prepared by an actuary of the appropriate level of specific excess insurance for the group.

§5.6406. Indemnity Agreement.

The indemnity agreement required by Labor Code §407A.051(c)(14), concerning Application for Initial Certificate of Approval; Approval Requirements, and §407A.056, concerning Indemnity Agreement Requirements, must be executed by all employers in the group and must [shall] contain the following provisions.[:]

(1) THIS IS A LEGAL DOCUMENT THAT BINDS THE SIGNATORIES TO SPECIFIC DUTIES AND RESPONSIBILITIES REGARDING GROUP FINANCIAL ARRANGEMENTS FOR COVERING WORKERS' COMPENSATION INJURIES AND OCCUPATIONAL DISEASE AND EMPLOYERS LIABILITY INSURANCE COVERAGE IN THE STATE OF TEXAS.

(2) JOINT AND SEVERAL LIABILITY: THIS PARAGRAPH REQUIRES THE EMPLOYER TO JOIN IN PAYING WORKERS' COMPENSATION LOSSES OF THE GROUP IN THE EVENT THE GROUP'S ASSETS ARE NOT SUFFICIENT TO COVER THE LIABILITIES. The Employer will be jointly and severally obligated with each other member of the group to meet the workers' compensation and employer's liability insurance coverage obligations of the group and to make any and all payments to the group, which may be necessary to meet the group's obligations under applicable Texas law and regulations and also in accordance with the group's Bylaws; including agreeing that if the assets of the group are at any time insufficient to enable the group to discharge the group's legal liabilities and other obligations and maintain the reserves required of it under applicable Texas statutes and regulations, and the group is unable to otherwise make up the deficiency in accordance with Texas laws, regulations, and the group's Bylaws, then the Employer will be jointly and severally liable to pay an assessment by the group in an amount necessary to make up the deficiency.

(3) The Employer remains jointly and severally liable even if the Employer is cancelled by the group or elects to terminate membership in the group. The Employer will remain jointly and severally liable for the workers' compensation and employer's liability insurance

coverage obligations for the group and its members that were incurred during the Employer's period of membership.

(4) The insolvency or bankruptcy of the Employer will not relieve the group, the Employer, or any member from liability for the payment of any benefits incurred during the insolvency or bankrupt member's period of membership.

(5) The Employer is not buying a policy of insurance. The employer is entering into an agreement which is evidence that the employer is a subscriber to the Texas workers' compensation system.

(6) Because the sums required to fulfill workers' compensation and employer's liability insurance coverage obligation of the group cannot be known precisely in advance, the premium and other assessments, reserve requirements, and other financial requirements for the group's operation will initially be established by estimates.

§5.6407. Acknowledgment [Acknowledgement] of Indemnity Agreement.

(a) Each member must [shall] execute the acknowledgment [acknowledgement] set forth in subsection (b) of this section. The acknowledgment must [acknowledgement shall] be printed in black ink on an 8-1/2-inch [8 1/2 inch] by 11-inch [11 inch] sheet of white paper in at least 11-point [11 point] type.

(b) The acknowledgment [acknowledgement] form is as follows:

Figure: 28 TAC §5.6407(b) (No change.)

§5.6408. Fidelity and Performance Bonds.

(a) Fidelity bonds required of an administrator under [the] Labor Code §407A.051(c)(12), concerning Application for Initial Certificate of Approval; Approval Requirements, and §5.6403(c)(6) of this title [division] (relating to Application for Initial Certificate of Approval) and a service company under [the] Labor Code §407A.051(c)(13) and §5.6403(c)(7) of this title (relating to Acknowledgment of Indemnity Agreement) [division] must protect against loss caused directly by an act of fraud or dishonesty by the employees of the administrator or service company and such fidelity bond must [shall] include the group as a loss payee.

(b) A performance bond required under [the] Labor Code §407A.057(a), concerning Additional Performance Bond Requirements, and §5.6403(c)(8) of this title (relating to Fidelity and Performance Bonds) [division] for a service company providing claims services to or on behalf of a group must [shall] be in substantially the form set forth in subsection (c) of this section.

(c) A performance bond required under [the] Labor Code §407A.057(a) and §5.6403(c)(8) of this title must [division shall] contain the following text and must [shall] be in the following format: Figure: 28 TAC §5.6408(c) (No change.)

(d) Administrators and service companies may [only] obtain a fidelity or performance bond only from a surety company authorized to engage in business in this state as a surety or an eligible surplus lines insurer in compliance with [the] Insurance Code Chapter 981, concerning Surplus Lines Insurance, and regulations adopted under it [thereunder].

(e) An administrator or service company that has a fidelity or performance bond canceled [cancelled] or terminated and not replaced with new coverage that meets the requirements of [the] Labor Code Chapter 407A, concerning Group Self-Insurance Coverage, and this division and that is effective concurrently upon the date of the cancellation or termination must [shall]:

(1) immediately inform the commissioner in writing, which in no event may [shall] be later than five business days from the

date the administrator or service company first becomes aware of the cancellation or termination; and

(2) immediately inform the group in writing, which in no event may [shall] be later than five business days from the date the administrator or service company first becomes aware of the cancellation or termination.

§5.6409. Books and Records.

(a) Except as otherwise provided in this division, this section applies to all books and records of a group, regardless of whether the books and records are located in [the State of Texas] or outside [the State] of Texas.

(b) A group's books and records must be located within the United States of America and its territories at all times, but may be located outside [the State] of Texas, provided that the group provides prior written notice to the department that:

(1) states [provides] the specific address outside [the State] of Texas where the group's books and records will be located;

(2) identifies the types of books and records that will be located outside [the State] of Texas, including those that will be maintained in an electronic format;

(3) if applicable, identifies the vendor of a leased or purchased software or electronic platform that [who] will provide services to the group related to the maintenance of the group's books and records; and

(4) if applicable, includes the group's continuity plan in the event of cancellation or termination of the arrangement with a vendor identified by the group under [pursuant to] paragraph (3) of this subsection.

(c) All books and records of a group must [shall] be:

(1) electronically or physically accessible to the department upon the department's request; and

(2) maintained in a manner that provides an audit trail between the group's general ledger and the group's source documents.

(d) A group's electronic books and records must be maintained with reasonable controls to ensure the integrity, accuracy, and reliability of the electronic storage system and to prevent the deterioration of the electronic books and records.

(e) A group must ensure a weekly backup of its electronic books and records.

(f) A group must be able to access a complete and current set of its electronic books and records or a complete and current backup of its electronic books and records from a location in [the State of] Texas at all times.

(g) This section does not in any way limit the commissioner's authority under [the] Labor Code §407A.252, concerning Examination, and §407A.355, concerning Deficits; Insolvencies.

(h) To the extent of a conflict between this section and [the] Labor Code §407A.252 or §407A.355, [the] Labor Code §407A.252 or §407A.355 prevails.

(i) A group holding a certificate of approval issued before [prior to] the effective date of this section must [shall] comply with this section's provisions [the provisions of this section] no later than 30 days after this section's [the] effective date [of this section].

§5.6410. Investments.

(a) The board of trustees must [shall] maintain responsibility for all money collected or disbursed from the group.

(b) The board must [shall] annually adopt a written investment plan consistent with the requirements for the investments authorized under Insurance Code [Article 2.10 and] §822.204, concerning Form of Capital and Surplus, for minimum capital and surplus and reserves. The investment plan must [shall] meet the requirements of Insurance Code §822.204 [Article 2.10(a)].

(c) With the prior written approval of the commissioner [Commissioner], a group may invest up to 5% of its assets in a manner other than that authorized under this section.

(d) The group must [shall] hold all investments in accordance with [Texas] Insurance Code Chapter 422, concerning Asset Protection Act [Article 21.39B].

§5.6411. *Contract Provisions.*

(a) A group must [shall] execute a written agreement with a person identified under [pursuant to] §5.6403(c)(12)(A) or (B) of this title [division] (relating to Application for Initial Certificate of Approval) that meets the requirements of this section.

(b) If a person identified under [pursuant to] §5.6403(c)(12)(A) or (B) of this title [division] delegates any of the services that it has agreed to provide on behalf of a group to another person, the delegating person must [shall] execute a written agreement with the person to whom the services are delegated. The written agreement must meet the requirements of this section.

(c) A group retains ultimate accountability and responsibility for compliance with all statutory and regulatory requirements, and no written agreement may be construed to limit, in any way, the group's ultimate accountability and responsibility.

(d) A written agreement entered into under [pursuant to] subsection (a) or (b) of this section must [shall] include:

(1) a requirement that the administrator, service company, or third-party [third party] administrator must comply with the applicable requirements of the Insurance Code, [and the] Labor Code, and rules adopted under them [thereunder], including holding the appropriate licenses or certificates of authority under the Insurance Code or [the] Labor Code;

(2) a requirement that the administrator, service company, or third-party [third party] administrator must permit the commissioner or the group to examine at any time:

(A) its financial solvency; and

(B) its ability to perform its responsibilities under the written agreement;

(3) a description of the duties or services that the administrator, service company, or third-party [third party] administrator is expected to provide and any applicable instructions related to the performance of those services, including references to a group's claims handling practices or procedures; and

(4) a provision relating to continuity of services, including run-off [run off] fee schedules and the transfer of the books and records of a group from one administrator, service company, or third-party [third party] administrator to another administrator, service company, or third-party [third party] administrator.

(e) A written agreement entered into under [pursuant to] subsection (a) or (b) of this section must [shall] also ensure that the books and records of the group:

(1) remain the property of the group at all times;

(2) are available to the group or its designee at any time while in the custody of an administrator, service company, or third-party [third party] administrator; and

(3) will be timely transferred to the group or its designee:

(A) upon request of the group;

(B) at the termination or cancellation of a written agreement entered into by an administrator, service company, or third-party [third party] administrator under [pursuant to] subsection (a) or (b) of this section; and

(C) in compliance with all applicable statutory and rule requirements.

(f) A written agreement required under subsection (a) or (b) of this section must meet the requirements of this section no later than June 1, 2009.

§5.6413. *Membership Cancellation or Termination.*

(a) A group is required to notify the commissioner under [pursuant to the] Labor Code §407A.201(c), concerning Admission of Employer as Member, only if the group experiences a reduction in membership, caused by either cancellation or termination, resulting in a cumulative reduction of 10% [10 percent] or more of its annual written premium, not later than the 10th day after the date on which the cumulative reduction in membership takes effect.

(b) The notification required by subsection (a) of this section must include:

(1) an explanation of the reason for the cancellation or termination of each member of the group; and

(2) a statement indicating how the group anticipates addressing the membership loss, including whether [or not] assessments of the remaining members of the group will be necessary.

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 July 14, 2026.

TRD-202602896

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



CHAPTER 6. CAPTIVE INSURANCE

SUBCHAPTER G. TAXES

28 TAC §6.601

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §6.601, concerning the waiver of workers' compensation surcharge. The amendments to §6.601 implement Senate Bill 1455, 89th Legislature, 2025.

EXPLANATION. Amending §6.601 is necessary to implement SB 1455, which amended the Insurance Code and Labor Code to replace the collection of maintenance taxes for workers' compensation insurance policies with the collection of workers' compensation surcharges.

The amendments to §6.601 add to its title "Surcharges and Fees" to more fully reflect the text of the section, and add "surcharges" to follow "taxes" in addressing what a redomesticating foreign or alien captive insurance company may request the commissioner to waive under subsection (d) and add the phrase "workers' compensation surcharges" to the items in the list that follow it. The amendments also make nonsubstantive changes for plain language and to adhere to current agency style.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Amy Maddox, chief financial officer of the Financial Services Office in the Administrative Operations Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by statute. Ms. Maddox made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Maddox does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Maddox expects that administering the proposed amendments will have the public benefits of ensuring that TDI's rules conform to SB 1455 and allow Texas-based workers' compensation insurers to be more competitive out of state.

Ms. Maddox expects that the proposed amendments will not increase the cost of compliance with §6.601 because it does not impose requirements beyond those in the statute. SB 1455 requires that the same maintenance taxes paid as before will now be classified as surcharges for workers' compensation insurance. As a result, the cost associated with the change of terminology required by SB 1455, does not result from the enforcement or administration of the proposed amendments.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities. SB 1455 does not change the amount of money insurers must pay under the statute. It only changed the name of maintenance taxes to surcharges. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. In addition, no rule amendments are required under Government Code §2001.0045 because the proposed amendments to §6.601 are necessary to implement legislation. The proposed rule implements Insurance Code §§201.001(a), 201.051(a) and (d), 251.001(a), 251.002 - 251.004, 255.001 - 255.005, 281.006; and Labor Code §§402.076(b), 403.001 - 403.005, 405.003, 403.0055, 407.103 - 407.104, 407A.252(b), and 407A.301 - 407A.303, as added by SB 1455.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;

- will not require the creation of new employee positions or the elimination of existing employee positions;

- will not require an increase or decrease in future legislative appropriations to the agency;

- will not require an increase or decrease in fees paid to the agency;

- will not create a new regulation;

- will not expand, limit, or repeal an existing regulation;

- will not increase or decrease the number of individuals subject to the rule's applicability; and

- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on August 31, 2026. Consistent with Government Code §2001.024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. Send your comments to Chief-Clerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2870. This proposal will be part of a rule hearing docket that will begin at 10:00 a.m., central time, on August 25, 2026. TDI will hold the public hearing remotely using online resources and in person at the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701 in Room 2.035. Visit www.tdi.texas.gov/alert/event/index.html for more information on the proposed rule, hearing, and comment submission.

STATUTORY AUTHORITY. TDI proposes amendments to §6.601 under Insurance Code §§251.001, 964.069, 2051.201, and 36.001.

Insurance Code §251.001 requires the commissioner to annually determine the rate of assessment of each maintenance tax or workers' compensation surcharge imposed under Title 3, Subtitle C of the Insurance Code.

Insurance Code §964.069 authorizes the commissioner to adopt reasonable rules as necessary to implement the purposes and provisions of Insurance Code Chapter 964.

Insurance Code §2051.201 authorizes the commissioner to adopt and enforce rules to carry out provisions of law referenced in §2051.002, which includes Insurance Code Chapter 251 as that chapter relates to workers' compensation insurance.

Insurance Code §36.001 authorizes the commissioner to adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of the state.

CROSS-REFERENCE TO STATUTE. Section 6.601 implements SB 1455 and Insurance Code §964.071.

§6.601. *Waiver of Taxes, Surcharges, and Fees.*

(a) A foreign or alien captive insurance company redomesticating from another jurisdiction may request that the commissioner postpone or waive ~~[the imposition of]~~ any tax or fee imposed under the Insurance Code for a period not to exceed two tax reporting years from the date of redomestication.

(b) The request must be in writing and submitted to the department with the application.

(c) The request must state and provide support of the benefit that licensing the captive insurance company will have for Texas, including, as applicable, employment of Texas residents, the development of real estate in Texas, economic activity in Texas, and additional taxes that will be paid in Texas.

(d) The commissioner may, in writing, grant or deny the waiver request, in whole or in part, at the commissioner's sole discretion, including granting a waiver for all or part of the two-year period and all or part of one or more of the following taxes or fees:

- (1) the maintenance tax;
- (2) the premium tax; ~~[or]~~
- (3) licensing fees; or ~~[or]~~
- (4) workers' compensation surcharges.

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 July 16, 2026.

TRD-202602937

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



CHAPTER 21. TRADE PRACTICES

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §§21.109, 21.120, 21.701, 21.705, 21.3003, 21.4003, 21.4502, 21.4703, 21.5501, and 21.5503 concerning trade practices. The amendments implement House Bills 721, 1620, and 2221, and Senate Bills 1236 and 1332, 89th Legislature, 2025; House Bill 4611, 88th Legislature, 2023; and House Bill 2090, 87th Legislature, 2021.

EXPLANATION. Amendments to §§21.109, 21.701, 21.3003, 21.4003, 21.4502, 21.4703, and 21.5501 are necessary to implement the following legislation. From the 89th Legislature:

- HB 721 revises the applicability of Insurance Code Chapter 1662 to remove regional and local health care programs that operate under Health and Safety Code Chapter 75.
- HB 2221 moves requirements concerning unlawful rebates and inducements to new Insurance Code Chapter 1702.
- SB 1236 requires the inclusion of unique group numbers on pharmacy benefit ID cards.
- SB 1332 permits health benefit plans to waive a group policyholder's liability under the circumstances outlined in the bill.

From the 88th Legislature, HB 4611 reorganized Medicaid managed care provisions in the Government Code by repealing Chapter 533 and adding new Chapter 540.

From the 87th Legislature, HB 2090 created price transparency requirements for certain health benefit plans.

To implement other provisions of SB 1236, HB 2221, and HB 1620, TDI proposed to amend 28 TAC Chapters 3 (51 TexReg 3043), 11 (51 TexReg 3058), and 26 (51 TexReg 3081) in the May 8, 2026 issue of the *Texas Register*, and 28 TAC Chapter 19 (51 TexReg 3320) in the May 15, 2026 issue of the *Texas Register*.

Descriptions of the sections' proposed amendments follow.

Section §21.109. To implement HB 2221, the proposed amendments to §§21.109(a)(1) and 21.109(a)(3) replace the term "health related services or health related information" with "loss-control or value-added products or services" to conform with terminology used in new Insurance Code Chapter 1702.

The proposed amendments to §21.109(a)(2) reference the definition for "loss-control or value-added products or services" and add a citation to Insurance Code §1702.002. The amendments also remove subparagraphs (A) and (B) of §21.109(a)(2), which contain definitions for "health-related services" and "health-related information." Those terms are no longer relevant, since HB 2221 repealed Insurance Code §541.058.

Section §21.120. The proposed amendments to §21.120(a) update and clarify instructions for submission of advertising filings. The requirement to include a transmittal letter addressed to TDI's mailing address is removed and replaced with instructions to submit an advertisement consistent with filing procedures in 28 TAC Chapter 3, Subchapter A. Those rules were modernized in 2025 and clarify that advertising filings are submitted through the System for Electronic Rates and Forms Filing (SERFF). The amendments to subsection (a) clarify that the contents specified in paragraphs (1) - (6) must be included in the filing, rather than in a transmittal letter. Consistent with 28 TAC §3.11, this eliminates unnecessary duplication because some of the information may be captured in SERFF data fields.

TDI proposes to remove current §21.120(b), since the department no longer requires advertisements to be filed in duplicate. The remaining subsections are redesignated to reflect this removal.

The proposed amendments to current §21.120(d), redesignated as §21.120(c), modify the subsection to align with filing rules in 28 TAC Chapter 3, Subchapter A. The term "the same as" is replaced with "an exact copy," with reference to the definitions in 28 TAC Chapter 3, Subchapter A. The amendments clarify that the process to submit a substantially similar advertising file is to classify the filing as informational when submitting in SERFF. The requirement to include a signed statement is amended to require a signed certification, with reference to the requirements in 28 TAC Chapter 3, Subchapter A. The term "SERFF filing number" replaces the reference to the department's filing number.

Section §21.701. The proposed amendments to §21.701 implement HB 2221 by replacing the reference to Insurance Code §541.057 with Insurance Code §1702.103 and §1702.153, since §541.057 was repealed by HB 2221.

Section §21.705. The proposed amendments to §21.705 update the types of HIV tests that may be used for underwriting purposes by replacing references to outdated tests with tests rec-

ommended by the Centers for Disease Control and Prevention (CDC).

Section §21.3003. The proposed amendments to §21.3003 correct a citation in subsection (a)(3) by replacing the reference to Insurance Code Chapter 1251, Subchapter E with Subchapter G, which addresses continuation of coverage for dependents. This change aligns the citation with the original version of the rule, which referenced Article 3.51-6, §3B.

Amendments to §21.3003(b)(3) improve readability by breaking the paragraph into subparagraphs (A) and (B) to separately address group and individual health benefit plans and add a reference to the group number requirements in new subsection (e).

TDI proposes new §21.3003(e) and (f) to implement SB 1236. New subsection (e) requires that a group number on an identification card must distinguish between lines of business, such that a group number provided to an enrollee in a plan subject to Insurance Code Chapter 1369, Subchapter D, cannot be assigned to an enrollee in a plan that is not subject to Subchapter D. Additionally, unique group numbers must be assigned for each line of business specified in Insurance Code §1251.151(b), which addresses employer plans for state employees, teachers, and university employees, as well as Medicaid and CHIP. Since these plans are exempt from many of the requirements in Insurance Code Chapter 1369, using the same group numbers could create confusion.

New §21.3003(f) requires a health benefit plan issuer to provide a method to identify, based on the group number provided on the identification card, whether an enrollee is covered by a plan that is subject to Insurance Code Chapter 1369, Subchapter D. For example, the issuer could include an identifier within the group numbering convention, or the issuer could maintain a list of group numbers that are associated with applicable health benefit plans. New §21.3003(f) requires the issuer to make the identification method publicly available on its website.

Section §21.4003. The proposed amendment to §21.4003 implements SB 1332 by adding new subsection (c). The new subsection clarifies that if a health carrier chooses to waive an employer's liability for a terminated employee's premium as allowed by Insurance Code §843.210(e) and §1301.0061(e), the carrier must do so in a manner that ensures equal treatment of similarly situated employer groups.

Also, an amendment to §21.4003(a)(3)(B) updates examples of what might constitute immediate written notification.

Section §21.4502. The proposed amendment to §21.4502(c)(4) removes the outdated reference to Government Code 533 and replaces it with Government Code Chapter 540, consistent with HB 4611.

Also, an amendment to §21.4502(f) corrects a citation by adding the words "Insurance Code."

Section §21.4703. The proposed amendments to §21.4703 replace the reference to Insurance Code §541.056(a) with §1702.102, consistent with HB 2221.

Section §21.5501. The proposed amendments to §21.5501 implement HB 721. The proposal deletes paragraph (3) of §21.5501(a) and adds new paragraph (5) to §21.5501(b), to clarify that the rules in Subchapter UU no longer apply to a regional or local health care program. To conform to HB 4611, an amendment is proposed to revise the Government Code reference in §21.5501(b)(4) from Chapter 533 to Chapter 540.

Additionally, the proposal removes §21.5501(c) - (e), which address the initial implementation deadlines, because those are no longer relevant.

Section §21.5503. The proposal amends §21.5503(a), (b), and (d), updating data schemas for the "in-network rates," "allowed-amounts," "table-of-contents" and files. The version 2.0 schemas replace the version 1.1 schemas and conform to schema updates published October 1, 2025, by the Centers for Medicare and Medicaid Services (CMS) <https://github.com/CMSgov/price-transparency-guide>. The schema updates focus on improving the organization of machine-readable files and reducing duplication. The schema for the "prescription-drugs" file in subsection (c) is not being updated, because CMS, after initially delaying enforcement, has not finalized a schema for prescription drugs. The proposal deletes subsection (e) because CMS no longer publishes a separate provider reference file schema.

TDI has posted a redline copy of the data schemas on the department's website that illustrates the changes between version 1.1 and version 2.0. Changes include adding and removing data fields; making some fields required that were previously optional; and updating definitions to modify or clarify instructions.

A non-exhaustive summary of the changes made in version 2.0 of the data schemas follows:

- New required fields "last_updated_on" and "version" are added to the Table of Contents File Schema. The "version" field is changed to being a required field in the In-Network File Schema and the Out-Of-Network Allowed Amount File Schema.

- New fields "issuer_name" and "plan_sponsor_name" are added, and the definition of the "plan_name" field is updated to remove the name of the plan sponsor and insurance company, which are now included as separate fields. These changes are made within the Reporting Plans Object of the Table of Contents File Schema, and the In-Network and Out-Of-Network Allowed Amount File Schemas. Explanations of the use of the new fields are included in Additional Notes sections.

- The definition of the "plan_id" field is updated to specify the instructions with reference to the "plan_id_type", use a HIOS identifier that is 10 digits instead of 14, and specify that the employer identification number is associated with a plan sponsor. This change is made within the Reporting Plans Object of the Table of Contents File Schema, and the In-Network and Out-Of-Network Allowed Amount File Schemas.

- Within the File Location Object of the Table of Contents File Schema, the definition of the "location" field is updated to reference the full HTTPS URL.

- Within the In-Network Object of the In-Network File Schema, a "severity_of_illness" field is added and "description" is now a required field. The definition of the "covered_services" field updated to align with the renaming of the Covered Services Object.

- Within the In-Network File Schema, the Covered Services Object is renamed as the Contained Billing Code Object, and the Bundle Code Object is removed.

The "billing_code_type_version" definition is updated to specify instructions if there is no version available for the "billing_code_type". This change is made in the In-Network and Contained Billing Code Objects of the In-Network File Schema and the Out-Of-Network Object of the Out-Of-Network Allowed Amount File Schema.

- Within the Negotiated Rate Details Object of the In-Network File Schema, the "provider_groups" field is removed and the "provider_references" field is changed to be required. The "Additional Notes Concerning provider_groups, provider_references" section is also removed.

- Within the Providers Object of the In-Network File Schema, the definition of the "npi" field is expanded to include both Type 1 and Type 2 NPIs and associated reporting instructions.

Within the Tax Identifier Object of the In-Network File Schema, a new "business_name" field is added. The Additional Notes section is expanded to include instructions depending on whether a contractual arrangement is made at the NPI or TIN level.

- Within the Provider Reference Object of the In-Network File Schema, the "location" field is removed and a required "network_name" field is added. The "provider_groups" field is changed to be required. The "Additional Notes Concerning provider_group, location" section is removed.

- Within the Negotiated Price Object of the In-Network File Schema, the "negotiated_rate" field definition is updated to allow a percentage amount. The "service_code" field is changed to required. A new required "setting" field is added. The definition of the "additional_information" field is expanded to instruct users to submit a question through Github before using this field. The Additional Notes section is expanded to address additional allowable values for the "negotiated_type" field, and to address the use of a custom value to avoid listing all possible service codes in some circumstances.

Nonsubstantive updates are made to the formatting and hyperlinks within the schema document.

In addition, proposed amendments to the sections include non-substantive editorial and formatting changes to conform the sections to the agency's current drafting style and plain language preferences to improve clarity. These changes appear throughout the amended sections and include adding titles to statutory citations, updating cross-references to other rules, nonsubstantive text edits, and other grammatical, punctuational, and format changes.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Rachel Bowden, director of Regulatory Initiatives in the Life and Health Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the proposed amendments, other than that imposed by the statute. Ms. Bowden made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Bowden does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Bowden expects that administering the proposed amendments will have the public benefit of ensuring that TDI's rules conform to HBs 1620 and 2221, and SBs 1236 and 1332.

Ms. Bowden expects that the proposed amendments will not increase the cost of compliance. Any costs for those required to comply with the proposed amendments are attributable to HBs

1620 and 2221, and SBs 1236 and 1332. The proposed amendments do not impose requirements beyond those in the statute.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. In addition, no additional rule amendments would be required under Government Code §2001.0045 because the proposed amendments are necessary to implement legislation. The proposed rule amendments implement the following bills from the 89th legislative session: HB 1620, HB 2221, SB 1236 and SB 1332.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will expand, limit, or repeal an existing regulation;
- will increase or decrease the number of individuals subject to the rule's applicability;
- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on August 31, 2026. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2871 at 10:00 a.m., central time, on August 25, 2026. TDI will hold the public hearing remotely using online resources and in person at the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701 in Room 2.035. Details of how to view and participate virtually in the public hearing will be made available on TDI's website at www.tdi.texas.gov/alert/event/index.html.

SUBCHAPTER B. ADVERTISING, CERTAIN TRADE PRACTICES, AND SOLICITATION

DIVISION 1. INSURANCE ADVERTISING

28 TAC §21.109, §21.120

STATUTORY AUTHORITY. TDI proposes amendments to §21.109 and §21.120 under Insurance Code §§541.401, 562.106, 1702.006, and 36.001.

Insurance Code §541.401 authorizes the commissioner to adopt and enforce reasonable rules the commissioner determines necessary to accomplish the purposes of Chapter 541.

Insurance Code §562.106 provides that if the commissioner reasonably believes that a program operator or marketer may not be operating in compliance with Insurance Code Chapter 562, the commissioner by order may require the program operator or marketer to submit to the commissioner any advertisement, solicitation, or marketing material, discount card, agreement, or other document requested by the commissioner.

Insurance Code §1702.006 authorizes the commissioner to adopt rules to implement Insurance Code Chapter 1702.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section 21.109 implements Insurance Code Chapter 1702.

§21.109. *Unlawful Inducement.*

(a) An advertisement may not state or imply anything offering or tending to offer a good, service, or other guarantee or contractual right of pecuniary value outside of the express terms of the policy offered by the advertisement.

(1) This subsection does not prohibit, in connection with an accident and health insurance policy or health maintenance organization contract, the provision of loss-control or value-added products or services ~~[health-related services or health-related information]~~, or the disclosure in advertising of the availability of such additional services and information, to prospective policy or certificate holders, or prospective enrollees or contract holders. If there is a separate charge required to access such additional services or information, an advertisement referencing the services or information must disclose that fact.

(2) In this subsection, the term "loss-control or value-added products or services" is defined in accordance with Insurance Code §1702.002, concerning Regulation of Certain Trade Practices.~~;~~

~~{(A) "Health-related services" are defined in accordance with the Insurance Code §541.058.}~~

~~{(B) "Health-related information" is defined in accordance with the Insurance Code §541.058.}~~

(3) An advertisement referencing noncontractual loss-control or value-added products or services ~~[health-related services or health-related information]~~ must disclose that such services or information are not a part of the policy, may be discontinued at any time, and, as appropriate, may be subject to geographic availability.

(b) No insurer or agent may state or imply as an inducement to the purchase of insurance a guarantee of return of premium based on [upon] the quality of its policy other than where such guarantee is required by law or stated within the policy of insurance offered.

(c) An advertisement may offer an incentive to inquire about a policy or obtain a quote if ~~[provided that]~~ it includes a clear and conspicuous disclosure that no purchase is required ~~[in order]~~ to receive the incentive.

(d) No advertisement may state or imply any advantage, right, or preference that ~~[which]~~ if granted or performed would be a violation of the public policy or any law of this state or of the United States of America.

(e) An advertisement may not state or imply any deviation in normal or usual cost that is not in fact legally allowable.

(f) An advertisement may not state or imply an advantage by purchase of insurance to be gained by an organization because of past or prospective donation to be made by an insurer, agent, or representative out of proceeds of purchase.

§21.120. *Insurance Advertising.*

(a) Any advertisement required to be submitted or submitted voluntarily by an insurer licensed to do business in Texas must be submitted to TDI consistent with filing procedures in Chapter 3, Subchapter A of this title (relating to Submission Requirements for Filings and Departmental Actions Related to Such Filings). The filing ~~[accompanied by a transmittal letter addressed to the Texas Department of Insurance, Life and Health Lines, MC-LH-LHL, P.O. Box 12030, Austin, Texas 78711-2030. The transmittal letter]~~ must contain the following information:

(1) the identifying form number of each form submitted, including a separate identifying form number for each webpage ~~[Internet page]~~ and pop-up having a distinct URL;

(2) the type of advertisement submitted, i.e., institutional advertisement, invitation to inquire, or invitation to contract;

(3) the form number ~~[numbers]~~ of each ~~[the]~~ approved policy or ~~[and/or]~~ rider ~~[form(s)]~~ advertised;

(4) the method or media used for dissemination of the advertisement;

(5) the form number ~~[number(s)]~~ for all other advertising material to be used with each advertisement ~~[the advertisement(s)]~~ being submitted; and

(6) an attachment explaining all variable material; the variable material must be identified with brackets on the advertisement ~~[advertisement(s)]~~.

~~{(b) All advertisements must be submitted in duplicate.}~~

~~{(b) [(e)] Advertisements may be submitted in printers' proof or as "pasteups."}~~

~~{(c) [(d)] An advertisement subject to requirements regarding filing of the advertisement with the department for review under the Insurance Code or this title [Texas Administrative Code, Title 28, and] that is an exact copy [the same as] or substantially similar to an advertisement previously reviewed and accepted by the department, is not required to be filed for review. For the purposes of this subsection, "exact copy" and "substantially similar" have the meanings assigned in §3.2 of this title (relating to Definitions). [means the new advertisement does not introduce any substantive content not previously reviewed, nor does it eliminate any content satisfying required disclosures or that would render the advertisement noncompliant with §21.112 of this title (relating to General Prohibition).] A person or entity wishing to introduce a "substantially similar" advertisement must submit an informational filing in SERFF that includes a signed certification for a substantially similar filing consistent with the requirements in Chapter 3, Subchapter A, of this title. The filing [file a signed written statement with the department at the address identified in subsection (a) of this section. Such statement] must identify or illustrate the changes to be introduced, and list each ~~[the]~~ previously reviewed and accepted form ~~[form(s)]~~ in which those changes would appear, includ-~~

ing the form [number(s)] and the SERFF filing number [department's filing number(s) under which] those forms were previously reviewed and accepted under.

(d) [(e)] The following rules require that advertisements be filed with the department for review at or before [prior to] use:

(1) §3.1744 of this title (relating to Advertising, Sales, and Solicitation Materials; Filing Prior to Use), regarding life settlement contracts;

(2) §3.3313 of this title (relating to Filing Requirements for Advertising), regarding Medicare supplement insurance;

(3) §3.3838 of this title (relating to Filing Requirements for Advertising), regarding long-term care insurance; and

(4) §11.603 of this title (relating to Filings), regarding certain Medicare HMO contracts.

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 July 16, 2026.

TRD-202602929

Jessica Barta

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Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



SUBCHAPTER H. UNFAIR DISCRIMINATION

28 TAC §21.701, §21.705

STATUTORY AUTHORITY. TDI proposes amendments to §21.701 and §21.705 under Insurance Code §545.003, §1702.006, and §36.001.

Insurance Code §545.003 authorizes the commissioner to adopt reasonable rules necessary to implement Insurance Code Chapter 545 and rules to be followed for an HIV-related test requested or required by an issuer.

Insurance Code §1702.006 authorizes the commissioner to adopt reasonable rules necessary to implement Insurance Code Chapter 1702.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section 21.701 implements Insurance Code §544.002, §545.056, and Chapter 1702.

§21.701. *Purpose.*

The purpose of these sections is to identify specific acts or practices that [which] are prohibited by Insurance Code §1702.103 and §1702.153, concerning Prohibited Distinctions and Discrimination [§41.057] and §544.002, concerning Unfair Discrimination.

§21.705. *Nondiscriminatory Testing for Human Immunodeficiency Virus.*

A proposed insured for life or health and accident insurance, or for coverage by a company licensed under Insurance Code Chapter 842, or with a licensed health maintenance organization may be required to

be tested for the presence of the human immunodeficiency virus (HIV). Requiring such testing is not unfair discrimination provided:

(1) the testing is required on a nondiscriminatory basis for all individuals in the same class; [and]

(2) no proposed insured is denied coverage or rated a sub-standard risk on the basis of such testing unless:

(A) the proposed insured is tested to determine the existence of HIV antibodies or antigens in the blood using a test that is included in the current Centers for Disease Control and Prevention (CDC) recommended laboratory HIV testing algorithm for serum or plasma specimens; and [an initial enzyme linked immunosorbent assay (ELISA) test is administered to the proposed insured; and it indicates the presence of HIV antibodies;]

(B) the test is considered positive only if testing results meet the most current CDC recommended HIV testing algorithm or a more reliable confirmatory test or test protocol [a second ELISA test is conducted and it indicates the presence of HIV antibodies]; and

[(C) a Western Blot test is conducted and it confirms the results of the two ELISA tests;]

(3) the tests and testing procedures used have been approved by the United States Food and Drug Administration (FDA) and otherwise comply with applicable Texas and federal laws.

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 July 16, 2026.

TRD-202602930

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



SUBCHAPTER V. PHARMACY BENEFITS

DIVISION 2. IDENTIFICATION CARDS

28 TAC §21.3003

STATUTORY AUTHORITY.

TDI proposes amendments to §21.3003 under Insurance Code §1369.154 and §36.001.

Insurance Code §1369.154 requires the commissioner to adopt rules necessary to implement Insurance Code Chapter 1369, Subchapter D.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of (TDI/the department) under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE.

Section 21.3003 implements Insurance Code §1369.153.

§21.3003. *Standard Identification Cards.*

(a) The issuer of a health benefit plan that provides pharmacy benefits, or a pharmacy benefit manager or administrator issuing standard identification cards to enrollees must issue standard identification cards as follows:

(1) For a subscriber who is an enrollee, and who has no enrolled dependents, a single card must be issued to the subscriber, with additional cards available on request.

(2) For a subscriber who is an enrollee, and who has enrolled dependents, either:

(A) a card must be issued to the subscriber and to each of the enrolled dependents, with additional cards available on request; or

(B) two cards must be issued to the subscriber for use by the subscriber and all enrolled dependents, with additional cards available on request.

(3) For coverage under an individual health benefit plan in which the subscriber is not an enrollee, or for coverage under a health benefit plan that is continued by an enrollee under Insurance Code Chapter 1251, Subchapter G [E], concerning Continuation of Group Coverage for Certain Family Members and Dependents, either:

(A) a card must be issued to each enrollee, with additional cards available on request; or

(B) two cards must be issued for use by all enrollees, with additional cards available on request.

(b) Each standard identification card issued must, at all times the card is in effect, include current information on the front of each identification card as follows:

(1) the enrolled subscriber's or enrolled dependents' names and identification codes, as follows:

(A) for cards issued under subsection (a)(1) of this section, the enrolled subscriber's name and identification code;

(B) for cards issued under subsection (a)(2)(A) of this section, the enrolled subscriber's name and identification code on the enrolled subscriber's card, and on each enrolled dependent's card, the name and identification code of the enrolled dependent to whom the card will be issued;

(C) for cards issued under subsection (a)(2)(B) of this section, the name and identification code of the enrolled subscriber and the names and identification codes of all the enrolled dependents;

(D) for cards issued under subsection (a)(3)(A) of this section, on each enrolled dependent's card, the name and identification code of the enrolled dependent to whom the card will be issued;

(E) for cards issued under subsection (a)(3)(B) of this section, the names and identification codes of all enrolled dependents;

(2) the name or logo of the issuer, or of the administrator or pharmacy benefit manager that is administering the pharmacy benefits, if different from the health benefit plan issuer;

(3) as applicable:[;]

(A) for a group health benefit plan, the applicable group number, subject to the requirements in subsection (e) of this section [applicable to the enrollee(s) covered by a group health benefit plan]; or

(B) for an individual health benefit plan, the applicable policy number or evidence of coverage number [applicable to the enrollee(s) covered by an individual health benefit plan];

(4) the effective date of coverage;

(5) as applicable, the corresponding copayment or coinsurance for generic and brand-name drugs; provided that, if the health

benefit plan uses a drug formulary with benefit levels in addition to generic and brand-name prescription drugs, the card must include the corresponding copayments or coinsurance for each tier level of the drug formulary. In addition to disclosure of each benefit level, the card may include a term like "variable" for cost-sharing structures [such as "variable," to reflect benefit designs] not fully revealed by the drug formulary tier disclosure;

(6) as applicable, the International Identification Number, also known as the Banking Identification Number, assigned to the administrator or pharmacy benefit manager by the American National Standards Institute; and

(7) for a plan issued under Insurance Code Chapters 843, concerning Health Maintenance Organizations, or 1301, concerning Preferred Provider Benefit Plans, with the letters "TDI" or "DOI" prominently displayed.

(c) In addition to the information required under subsection (b) of this section, the issuer of a health benefit plan must include on the identification card of each enrollee a telephone number of an appropriate person to call to obtain [for purposes of obtaining] information about [relating to] the pharmacy benefits provided under the health benefit plan.

(d) Nothing in this section prohibits the issuer of a health benefit plan, or an administrator or pharmacy benefit manager, from issuing a standard identification card containing a magnetic strip or other technological component enabling the electronic transmission of information, provided that the information required by subsections (b) and (c) of this section is printed on the card.

(e) Consistent with Insurance Code §1369.153, concerning Information Required on Identification Card, a group number on an identification card must distinguish between lines of business, as follows.

(1) A unique group number must be assigned for each line of business specified in Insurance Code §1369.151(b), concerning Applicability of Subchapter.

(2) A group number provided to an enrollee in a health benefit plan subject to Insurance Code Chapter 1369, Subchapter D, concerning Pharmacy Benefit Cards, may not be assigned to an enrollee in a health benefit plan that is not subject to that subchapter.

(f) An issuer of a health benefit plan must provide a method to identify, based on the group number provided on the identification card, whether an enrollee is covered by a health benefit plan that is subject to Insurance Code Chapter 1369, Subchapter D. The issuer must make the identification method available on its publicly accessible website.

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 July 16, 2026.

TRD-202602931

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



SUBCHAPTER FF. OBLIGATION TO CONTINUE PREMIUM PAYMENT AND

COVERAGE AFTER NOTICE OF LOST GROUP ELIGIBILITY

28 TAC §21.4003

STATUTORY AUTHORITY. TDI proposes amendments to §21.4003 under Insurance Code §§843.151, 1301.007, and 36.001.

Insurance Code §843.151 authorizes the commissioner to adopt reasonable rules to implement various sections of the Insurance Code related to HMOs and ensure adequate access to health care services, including establishing physician-to-patient ratios, mileage requirements, travel time, and appointment waiting times.

Insurance Code §1301.007 provides that the commissioner adopt rules as necessary to implement Insurance Code Chapter 1301 and to ensure reasonable accessibility and availability of preferred provider benefits and basic level of benefits to residents of this state.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section 21.4003 implements Insurance Code Chapter 1301.

§21.4003. *Group Policyholder, Group Contract Holder, and Carrier Premium Payment and Coverage Obligations.*

(a) Liability for Premiums for Individuals Who Are No Longer Part of the Covered Group.

(1) A contract between a health carrier and a group policyholder or group contract holder under a health benefit plan contract must provide that:

(A) the group policyholder or group contract holder, as described in the Insurance Code Chapter 1251, concerning Group and Blanket Health Insurance, is liable for an individual insured's or enrollee's premiums from the time the individual is no longer part of the group eligible for coverage under the plan until the end of the month in which the group policyholder or group contract holder notifies the health carrier that the individual is no longer part of the group eligible for coverage under the plan; and

(B) the individual remains covered under the plan until the end of the period specified in subparagraph (A) of this paragraph.

(2) If a health carrier agrees that a group policyholder or group contract holder may tender the notice referenced in paragraph (1)(A) of this subsection by mail, the date the group policyholder or group contract holder tenders the notice to the postal service is the date the group policyholder or group contract holder notifies the health carrier. Evidence of written notifications may be maintained in a mail log ~~in order~~ to provide proof of submission and establish date of receipt.

(3) If an individual or an enrollee ceases to be a part of the group eligible for coverage within seven calendar days ~~before~~ ~~prior to~~ the end of the month, the group policyholder or group contract holder will be deemed to have notified the health carrier in the month in which the individual or enrollee ceases to be part of the group if the health carrier receives notification within the first three days of the subsequent month, not including Saturdays, Sundays, and legal holidays. If the notification is sent during this additional three-day notification period, the policyholder or contract holder must transmit the notification of an individual's loss of eligibility during the previous month by a method:

(A) agreed ~~on~~ ~~upon~~ by the group policyholder or group contract holder and the carrier, and

(B) that provides immediate written notification, such as a web portal, text message, email, or fax ~~[an internet portal; electronic mail, or telefacsimile]~~. Immediate written notification sent via electronic means will be presumed received on the date it is submitted; hand-delivered notification will be presumed received on the date the delivery receipt is signed.

(4) A group policyholder or group contract holder is not liable for an individual insured's or an enrollee's premiums, and a health carrier is not obligated to continue coverage, under subsection (a) of this section if a group policyholder or group contract holder notifies a health carrier that an individual will no longer be part of the group eligible for coverage at least 30 days ~~before~~ ~~prior to~~ the date the individual will no longer be part of the group eligible for coverage.

(5) A group policyholder or group contract holder is not liable for an individual insured's or an enrollee's premiums, and a health carrier is not obligated to continue coverage, under subsection (a) of this section if the individual elects to terminate coverage under the plan and obtains coverage under a successor health benefit plan that takes effect at any time after termination of group eligibility and before the end of the coverage and premium payment period required by the Insurance Code §843.210, concerning Terms of Enrollee Eligibility, and §1301.0061, concerning Terms of Enrollee Eligibility, and subsection (a) of this section. A health carrier may require a group policyholder or group contract holder seeking to avoid payment of additional premium for an individual no longer part of the group eligible for coverage to verify the successor coverage and to agree to be responsible for payment of premium if the individual's successor health benefit plan does not cover the individual from the termination of the health carrier's coverage until the end of the month in which the group policyholder or group contract holder notifies the health carrier that the individual is no longer part of the group eligible for coverage. In addition, the group policyholder or group contract holder and the health carrier remain responsible for compliance with the Insurance Code §843.210 and §1301.0061 if the individual's successor health benefit plan does not cover the individual from the termination of the health carrier's coverage until the end of the month in which the group policyholder or group contract holder notifies the health carrier that the individual is no longer part of the group eligible for coverage.

(6) A group policyholder or group contract holder is not liable for an individual insured's or an enrollee's premiums, and a health carrier is not obligated to continue coverage, under subsection (a) of this section under coverage a health carrier extends to an individual in compliance with 29 USC ~~[U.S.C.]~~ §1161 et seq. (COBRA), the Insurance Code Chapter 1251 Subchapter F, concerning Continuation or Conversion Privilege on Termination of Coverage Under Group Policy, or any other federal or state continuation of coverage requirement that allows an individual insured or enrollee, upon termination of eligibility from a group, to pay premium and extend the period of group health benefit plan coverage after the individual has left employment or otherwise no longer qualifies as a member of the group.

(7) A group policyholder or group contract holder is not liable for an individual insured's or an enrollee's premiums, and a health carrier is not obligated to continue coverage, under subsection (a) of this section if a group policyholder or group contract holder does not contribute to the payment of any individual insured's or enrollee's premium.

(8) A group policyholder or group contract holder is not liable for an individual insured's or an enrollee's premiums, and a health carrier is not obligated to continue coverage, under subsection (a) of

this section in the event of the individual insured's or enrollee's death after the later of the date of the individual insured's or enrollee's:

- (A) death; or
- (B) receipt of the last covered service under the plan.

(b) Notice of Liability for Premiums for Individuals Who Are No Longer Part of the Covered Group.

(1) A health carrier that enters into or renews a health benefit plan contract with a group policyholder or group contract holder shall provide written notice to the group policyholder or group contract holder that the group policyholder or group contract holder is liable for premiums for an individual who is no longer part of the group until the health carrier receives notification of termination of the individual's eligibility for coverage as follows:

(A) as required by the Insurance Code §843.210(c) and §1301.0061(c), if the health carrier charges the group policyholder or group contract holder on a monthly basis for premiums, the health carrier shall provide the notice in each monthly statement sent to the group policyholder or group contract holder;

(B) if the health carrier charges the group policyholder or group contract holder on other than a monthly basis for premiums, the health carrier shall provide the written notice at inception or renewal of the policy or contract, as applicable, and, thereafter, at the time of each billing, and

(C) as required by the Insurance Code §843.210(d) and §1301.0061(d), the notice required under subparagraphs (A) and (B) of this paragraph must include a description of methods preferred by the health carrier for notification by a group policyholder or group contract holder of an individual's termination from coverage eligibility.

(2) Notwithstanding the requirements of paragraph (1) of this subsection, a health carrier is not required to send notice of group policyholder or contract holder liability for premiums more often than monthly.

(c) Equal Treatment of Employers. If a health carrier chooses to waive premiums as permitted under Insurance Code §843.210(e) and §1301.0061(e), the health carrier must do so in a manner that ensures equal treatment of similarly situated employer groups.

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 July 16, 2026.

TRD-202602932

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Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



SUBCHAPTER KK. HEALTH CARE REIMBURSEMENT RATE INFORMATION

28 TAC §21.4502

STATUTORY AUTHORITY. TDI proposes amendments to §21.4502 under Insurance Code §38.354 and §36.001.

Insurance Code §38.354 authorizes the commissioner to adopt rules to implement Insurance Code Chapter 38, Subchapter H.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section §21.4502 implements HB 4611.

§21.4502. *Applicability.*

(a) This subchapter applies to the issuer of an applicable health benefit plan as defined in §21.4503 of this title (relating to Definitions) and as provided by Insurance Code §38.353(a), concerning Applicability of Subchapter:

- (1) an insurance company;
- (2) a group hospital service corporation;
- (3) a fraternal benefit society;
- (4) a stipulated premium company;
- (5) a reciprocal or interinsurance exchange; and
- (6) a health maintenance organization (HMO).

(b) As provided in Insurance Code §38.353(b), and notwithstanding any provision in Insurance Code Chapters 1551, concerning Texas Employees Group Benefits Act; 1575, concerning Texas Public School Employees Group Benefits Program; 1579, concerning Texas School Employees Uniform Group Health Coverage; or 1601, concerning Uniform Insurance Benefits Act for Employees of the University of Texas System and the Texas A&M System or any other law, this subchapter applies to:

- (1) a basic coverage plan under Insurance Code Chapter 1551;
- (2) a basic plan under Insurance Code Chapter 1575;
- (3) a primary care coverage plan under Insurance Code Chapter 1579; and
- (4) basic coverage under Insurance Code Chapter 1601.

(c) Under Insurance Code §38.353(d), this subchapter does not apply to:

- (1) standard health benefit plans provided under Insurance Code Chapter 1507, concerning Consumer Choice of Benefits Health Insurance Plans;
- (2) children's [childrens'] health benefit plans provided under Insurance Code Chapter 1502, concerning Health Benefit Plans for Children;
- (3) health care benefits provided under a workers' compensation insurance policy;
- (4) Medicaid managed care programs operated under Government Code Chapter 540, concerning Medicaid Managed Care Program [533];
- (5) Medicaid programs operated under Human Resources Code Chapter 32, concerning Medical Assistance Program; or
- (6) the state child health plan operated under Health and Safety Code Chapters 62, concerning Child Health Plan for Certain Low-Income Children; or 63, concerning Health Benefits Plan for Certain Children.

(d) Notwithstanding subsection (c)(1) of this section, an applicable health benefit plan issuer is not prohibited from electively including data concerning reimbursement rates for standard health benefit plans provided under Insurance Code Chapter 1507 in its submission

of the report required in §21.4506 of this title (relating to Submission of Report) for purposes of administrative convenience. Data from all other plans identified in subsection (c) of this section must be excluded from the report.

(e) An applicable health benefit plan issuer with fewer than 20,000 covered lives in comprehensive health coverage as reported on Part 1 of the National Association of Insurance Commissioners Supplemental Health Care Exhibit as of the end of the applicable reporting period is not required to submit a report under §21.4506.

(f) Under Insurance Code §38.353(e), this subchapter does not apply to:

(1) a Medicare supplemental policy as defined by §1882(g)(1), Social Security Act (42 USC [U.S.C.] §1395ss), concerning Certification of Medicare Supplement Health Insurance Policies; or

(2) a Medicare Advantage plan offered under a contract with the federal Centers for Medicare and Medicaid 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 July 16, 2026.

TRD-202602933

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



SUBCHAPTER MM. WELLNESS PROGRAMS

28 TAC §21.4703

STATUTORY AUTHORITY. TDI proposes amendments to §21.4703 under Insurance Code §541.401, §1702.006, and §36.001.

Insurance Code 541.401 provides that the commissioner may adopt and enforce rules necessary to accomplish the purpose of Insurance Code Chapter 541, which is to regulate trade practices in the business of insurance by defining or determining trade practices that are unfair methods of competition or deceptive acts or practices and prohibiting them.

Insurance Code §1702.006 authorizes the commissioner to adopt reasonable rules to implement Chapter 1702.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section 21.4703 implements Insurance Code Chapters 544 and 1702.

§21.4703. Wellness Programs Exception.

(a) Notwithstanding the provisions of Insurance Code Chapter 1501, concerning Health Insurance Portability and Availability Act; §1702.102, concerning Prohibited Rebates and Inducements; [§541.056(a) and] §544.052, concerning Unfair Discrimination; and the provisions of Chapter 26, Subchapter A, of this title, concerning Definitions, Severability, and Small Employer Health Regulations, an individual or group health benefit plan issuer, an accident and

health insurance issuer, or a health maintenance organization may vary the amount of premium or contribution it requires similarly situated individuals to pay, or vary benefits, or both, including cost-sharing mechanisms such as a deductible, copayment, or coinsurance, based on whether an individual has met the standards of a wellness program that satisfies the requirements of §§21.4706 (relating to Wellness Programs With Participation as Sole Basis for Reward Eligibility), 21.4707 (relating to Activity-Only Wellness Programs), or 21.4708 (relating to Outcome-Based Wellness Programs) of this title.

(b) Notwithstanding the provisions of Insurance Code §1702.102 [~~§541.056(a)~~] and §544.052, an insurer issuing an accident and health insurance policy may vary the amount of premium or contribution it requires similarly situated individuals or individuals of the same class and of essentially the same hazard to pay, or vary benefits, or both, including cost-sharing mechanisms such as a deductible, copayment, or coinsurance, based on whether an individual has met the standards of a wellness program that satisfies the requirements of §§21.4706, 21.4707, or 21.4708 of this title.

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 July 16, 2026.

TRD-202602934

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



SUBCHAPTER UU. MACHINE-READABLE FILES

28 TAC §21.5501, §21.5503

STATUTORY AUTHORITY. TDI proposes amendments to §21.5501 and §21.5503 under Insurance Code §1662.004 and §36.001.

Insurance Code §1662.004 authorizes the commissioner to adopt rules necessary to implement Insurance Code Chapter 1662.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Sections 21.5501 and 21.5503 implement Insurance Code Chapter 1662.

§21.5501. Applicability and Effective Date.

(a) Except as provided in subsections (b) and (c) of this section, this subchapter applies to issuers of health benefit plans as specified in Insurance Code §1662.003, concerning Applicability of Chapter, that provide major medical coverage for which federal reporting requirements under 26 CFR [C.F.R.] Part 54, concerning Pension Excise Taxes; 29 CFR [C.F.R.] Part 2590, concerning Rules and Regulations for Group Health Plans; 45 CFR [C.F.R.] Part 147, concerning Health Insurance Reform Requirements for the Group and Individual Health Insurance Markets; and 45 CFR [C.F.R.] Part 158, concerning Issuer Use of Premium Revenue: Reporting and Rebate Requirements, do not apply, including:

(1) issuers providing short-term limited-duration insurance, as defined in Insurance Code Chapter 1509, concerning Short-Term Limited-Duration Insurance; and

(2) issuers providing grandfathered health plan coverage, as defined in 45 CFR [C.F.R.] §147.140, concerning Preservation of Right to Maintain Existing Coverage; and

[(3) a regional or local health care program operated under Health and Safety Code §75.104, concerning Health Care Services.]

(b) This subchapter does not apply to the following types of plans:

(1) a plan that is not considered creditable coverage as specified under Insurance Code §1205.004(b), concerning Creditable Coverage;

(2) the child health plan program operated under Health and Safety Code Chapter 62, concerning Child Health Plan for Certain Low-Income Children;

(3) the health benefits plan for children operated under Health and Safety Code Chapter 63, concerning Health Benefits Plan for Certain Children; and

(4) the state Medicaid program operated under Human Resources Code Chapter 32, concerning Medical Assistance Program, including the Medicaid managed care program operated under Government Code Chapter 540 [533], concerning Medicaid Managed Care Program; and

(5) a regional or local health care program operated under Health and Safety Code §75.104, concerning Health Care Services.

[(e) Except as provided by subsections (d) and (e) of this section, with respect to an applicable health benefit plan, an issuer must begin publishing machine-readable files as required under this subchapter in the month in which the plan year or policy year begins.]

[(d) A health benefit plan issuer with fewer than 1,000 total enrollees in all health benefit plans subject to reporting as of December 31, 2021, must begin publishing machine-readable files as required under this subchapter no later than January 1, 2024.]

[(e) Except as provided by subsection (d) of this section, an issuer is required to begin publishing machine-readable files no sooner than 180 days after the effective date of this section and no later than the earliest date specified in paragraphs (1) and (2) of this subsection:]

[(1) the date that the federal Departments of Labor, Health and Human Services, and Treasury begin enforcing the federal Transparency in Coverage rules specific to the publication of machine-readable files for prescription drug pricing, in-network rates, and out-of-network allowed amounts and billed charges, if the date of enforcement occurs after the 180th day following the effective date of this section; or]

[(2) January 1, 2024.]

§21.5503. *Data Schemas.*

(a) In-network negotiated rate file schema. For the "in-network-rates" file published under this subchapter, an issuer must include data elements consistent with the In-Network File Schema contained in Machine-Readable Files: Data Schemas (version 2.0) [(version 1.1)], published on the department's website.

(b) Out-of-network allowed amount file schema. For the "allowed-amounts" file published under this subchapter, an issuer must include data elements consistent with the Out-of-Network Allowed Amount File Schema contained in Machine-Readable Files: Data

Schemas (version 2.0) [(version 1.1)], published on the department's website.

(c) In-network prescription drugs file schema. For the "prescription-drugs" file published under this subchapter, an issuer must include data elements consistent with the Rx File Schema contained in Machine-Readable Files: Data Schemas (version 1.1), published on the department's website.

(d) Table of contents file schema. If an issuer chooses to include multiple plans in a single file, as permitted under §21.5502(h) of this title (relating to Form and Method of Publishing Machine-Readable Files), the issuer must publish a "table-of-contents" file, consistent with the Table of Contents File Schema contained in Machine-Readable Files: Data Schemas (version 2.0) [(version 1.1)], published on the department's website.

[(e) Provider reference file schema. If an issuer chooses to include an external file of provider references, the issuer must include a "Provider Reference" file, consistent with the Provider Reference File Schema contained in the Machine-Readable Files: Data Schemas (version 1.1), published on the department's website.]

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 July 16, 2026.

TRD-202602935

Jessica Barta

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Texas Department of Insurance

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 676-6555



PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

CHAPTER 137. DISABILITY MANAGEMENT SUBCHAPTER B. RETURN TO WORK

28 TAC §137.10

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) proposes to amend 28 TAC §137.10, concerning return-to-work guidelines. Section 137.10 implements Texas Labor Code §413.011. The DWC medical advisor recommends the amendments to the commissioner of workers' compensation under Labor Code §413.0511(b).

EXPLANATION. The amendments adopt a different set of guidelines for disability duration values. The current rule requires the use of Medical Disability Advisor, while the proposed change would require the use of ODG by MCG, published by MCG Health (ODG by MCG). Amending §137.10 is necessary to instruct insurance carriers, health care providers, and employers to use the disability duration values in the current edition of the ODG by MCG instead of those in the MDGuidelines (formerly known as Medical Disability Advisor), as guidelines for the evaluation of expected or average return-to-work timeframes. The amendments also update DWC's website address and the section's effective date, and include nonsubstantive editorial

changes that make updates for plain language and agency style to improve the rule's clarity.

Labor Code §413.011(e) requires the commissioner to adopt treatment guidelines and return-to-work guidelines by rule. Section 413.011(f) requires that those guidelines must be designed to ensure the quality of medical care and to achieve effective medical cost control, and to enhance a timely and appropriate return to work.

To fulfill their role in the Texas workers' compensation system, designated doctors are required to subscribe to these guidelines, which includes purchasing access to them. The current adopted treatment guidelines are published by ODG by MCG, and include access to return-to-work guidelines. Designated doctors cannot currently use ODG by MCG's return-to-work guidelines because the current adopted return-to-work guidelines are published by MDGuidelines. MDGuidelines will change its pricing model and raise its rates substantially starting on October 1, 2026. Since the ODG by MCG treatment guidelines subscription already includes access to return-to-work guidelines, the amendments will allow system participants to use the ODG by MCG services they already subscribe to instead of maintaining a separate, costly subscription to MDGuidelines. Amending the rule to update the reference from Medical Disability Advisor to ODG by MCG is necessary to ensure continued participation in the workers' compensation system by avoiding unnecessary administrative and monetary burdens on doctors in the system. The change will promote efficiency by allowing system participants to benefit from a single subscription instead of maintaining two separate subscriptions to substantially similar services. Avoiding those unnecessary costs also complies with the requirement in Labor Code §413.011 that the commissioner's adopted return-to-work guidelines help achieve effective medical cost control.

The return-to-work guidelines in ODG by MCG are comparable to those in MDGuidelines, and moving to the guidelines in ODG by MCG makes sense administratively, economically, and clinically. Both sets of guidelines derive disability duration values from the same foundational methodology—population-based epidemiological data stratified by diagnosis, job classification, and physical demand characteristics. The underlying evidence base for expected return-to-work timeframes does not differ materially between the two sets of guidelines. In practice, duration values calculated using both sets of guidelines have been substantively equivalent across the overwhelming majority of diagnostic categories in Texas workers' compensation claims. As a result, replacing the return-to-work guidelines with those in ODG by MCG removes an unnecessary cost and duplication of resources without any loss of clinical accuracy or adjudicative reliability. In addition, because treatment and expected disability duration are evaluated together, using the ODG by MCG for both treatment, as is currently the case, and return-to-work disability duration calculations, as DWC proposes here, allows system participants to apply a single, integrated, evidence-based resource across both the treatment and return-to-work functions, which more accurately reflects actual clinical decision making.

DWC invited public comments on an informal draft posted on DWC's website on May 6, 2026. DWC considered the comments it received on the draft when drafting this proposal.

As part of the implementation plan for this rule, DWC intends to train system participants on the use of the return-to-work guidelines in ODG by MCG.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Deputy Commissioner for Operations Mary Landrum has determined that during each year of the first five years the proposed changes are in effect, there will be no or minimal measurable fiscal impact on state and local governments as a result of enforcing or administering the sections, other than that imposed by the statute. This determination was made because the proposed changes do not add to or decrease state revenues or expenditures, and because local and state government entities are only involved in enforcing or complying with the proposed changes when acting in the capacity of a workers' compensation insurance carrier. Those entities will be impacted in the same way as an insurance carrier and will realize the same benefits from the proposed changes.

Deputy Commissioner Landrum does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed changes are in effect, Deputy Commissioner Landrum expects that enforcing and administering the proposed changes will have the public benefits of reducing administrative burdens and unnecessary costs to system participants, promoting stability and consistency in the workers' compensation system, and enhancing retention of doctors in the system, as well as ensuring that DWC's rules conform to Labor Code §413.011 and are current and accurate, which promotes transparent and efficient regulation.

Deputy Commissioner Landrum expects that the proposed changes will not increase the cost to comply with Labor Code §413.011 because they do not impose requirements beyond those in the statute, and do not create more burdensome obligations than the current rule. Instead, Deputy Commissioner Landrum expects that the proposed changes will lessen the cost of compliance. Labor Code §413.011(e) requires the commissioner to adopt return-to-work guidelines by rule. Section 413.011(f) requires that those guidelines must be designed to ensure the quality of medical care and to achieve effective medical cost control, and to enhance a timely and appropriate return to work. As a result, the cost associated with moving from the disability duration values in the MDGuidelines to those in the ODG by MCG does not result from the enforcement or administration of the proposed changes. In fact, the proposed changes should reduce the cost of participation in the system because designated doctors will no longer be required to subscribe to two different services that provide return-to-work guidelines. And adopting the proposed changes before October 1, 2026, when MDGuidelines has scheduled a substantial rate increase, will allow system participants to avoid that additional cost.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. DWC has determined that the proposed changes will not have an adverse economic effect or a disproportionate economic impact on small or micro businesses, or on rural communities because the proposed changes are designed to reduce the cost of compliance by eliminating an unnecessary subscription, and to make editorial revisions, updates to obsolete references, and updates for plain language and agency style. The proposed changes do not change the people the rule affects or impose additional costs. As a result, and in accordance with Government Code §2006.002(c), DWC is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. DWC has determined that this proposal does not

impose a possible cost on regulated persons. In contrast, DWC expects that the reduced monetary and administrative burden from the amendments will reduce costs to regulated persons. As a result, no additional rule amendments are required under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. DWC has determined that for each year of the first five years that the proposed changes are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

DWC made these determinations because the proposed changes eliminate an unnecessary subscription, enhance efficiency and clarity, and make editorial changes for plain language and agency style. They do not change the people the rule affects or impose additional costs.

TAKINGS IMPACT ASSESSMENT. DWC has determined that no private real property interests are affected by this proposal, and this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR INFORMATION AND PUBLIC COMMENT. DWC requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. DWC will consider any written comments on the proposal that DWC receives no later than 5:00 p.m., Central time, on August 31, 2026. Send your comments to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal and Communications Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050.

DWC will also consider written and oral comments on the proposal at a public hearing at 11 a.m., Central time, on August 24, 2026. The hearing will take place remotely. DWC will publish details of how to view and participate in the hearing on the agency website at www.tdi.texas.gov/alert/event/index.html.

STATUTORY AUTHORITY. DWC proposes §137.10 under Labor Code §§413.011, 402.00111, 402.00116, and 402.061.

Labor Code §413.011(e) requires the commissioner to adopt treatment guidelines and return-to-work guidelines by rule. Section 413.011(f) states that the medical policies or guidelines the commissioner adopts in subsection (e) must be: (1) designed to ensure the quality of medical care and to achieve effective medical cost control; (2) designed to enhance a timely and appropriate return to work; and (3) consistent with §§413.013, 413.020, 413.052, and 413.053.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

CROSS-REFERENCE TO STATUTE. Section 137.10 implements Labor Code §413.011, recodified from V.A.C.S. Arts. 8308-8.01(a) and (g), and 8308-8.21(a) and (b), by House Bill (HB) 752, 73rd Legislature, Regular Session (1993); and amended by HB 7, 79th Legislature, Regular Session (2005).

§137.10. *Return to Work Guidelines.*

(a) Insurance carriers, health care providers, and employers must ~~shall~~ use the disability duration values in the current edition of the ODG by MCG guidelines published by MCG Health at www.mcg.com/odg (ODG by MCG, referred to in this title as Division return to work guidelines) [*The Medical Disability Advisor, Workplace Guidelines for Disability Duration*, excluding all sections and tables relating to rehabilitation, (MDA), published by the Reed Group, Ltd. (Division return to work guidelines)], as guidelines for the evaluation of expected or average return to work time frames.

(b) Information on how to obtain or inspect copies of the Division return to work guidelines is ~~is~~ may be found on the Division's website: www.tdi.texas.gov/wc/ [www.tdi.state.tx.us].

(c) - (f) (No change.)

(g) This section applies to any determination of an injured employee's ability to return to work conducted on or after October 1, 2026 [is effective on or after May 1, 2007].

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 July 14, 2026.

TRD-202602898

Kara Mace

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 804-4703



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 221. PROFICIENCY CERTIFICATES

37 TAC §221.21

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §221.21, Firearms Proficiency for Community Supervision Officers. This proposed amended rule would remove the requirements for

community supervision and corrections department officers and parole officers to recertify firearms proficiency every year and to renew the certificate every two years. This would realign the rule with the provisions of Texas Occupations Code §1701.257 and allow the Texas Department of Criminal Justice to determine any recertification or requalification requirements.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §1701.257. There will be no anticipated economic costs to persons required to comply with the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed amendment.

Mr. Beauchamp has determined the following:

- (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 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 in fees paid to the agency, but does result in a decrease in fees paid to the agency by removing the certificate renewal requirement;
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not expand or repeal an existing regulation, but does limit an existing regulation by removing the firearms recertification and certificate renewal requirements;
- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.257, Firearms Training Program for Supervision Officers. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.257 requires the Commission to administer a training program and issue certificates relating to firearms proficiency for community supervision and corrections department officers or parole officers.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.257, Firearms Training Program for Supervision Officers. No other code, article, or statute is affected by this proposal.

§221.21. *Firearms Proficiency for Community Supervision Officers.*

(a) To qualify for a firearms proficiency certificate for community supervision and parole officers, an applicant must meet the following requirements including:

(1) currently employed as a community supervision officer by a Community Supervision and Corrections Department (CSCD), or parole officer employed by the Texas Department of Criminal Justice (TDCJ); and

(2) successful completion of the commission's current firearms training program for community supervision officers.

~~[(b) The holder of a certificate issued under this section must meet the firearms proficiency requirements at least once every 12 months.]~~

~~[(c) Certificates issued under this section expire two years from date of issuance. Within forty-five days of the expiration of a certificate, a supervision officer may apply for the issuance of a renewal. Supervision officers must meet the requirements in subsections (a)(1) and (b) of this section in order to renew the certificate.]~~

(b) ~~[(d)]~~ The effective date of this section is November 1, 2026 ~~[July 15, 2010].~~

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 July 17, 2026.

TRD-202602939

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 936-7700

PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 380. RULES FOR STATE-OPERATED PROGRAMS AND FACILITIES SUBCHAPTER F. SECURITY AND CONTROL 37 TAC §380.9723

The Texas Juvenile Justice Department (TJJD) proposes to amend 37 TAC, Part 11, §380.9723, Use of Force.

SUMMARY OF CHANGES

The proposed amendments to §380.9723 revise the rule to allow the use of oleoresin capsicum (OC) spray in TJJD-operated medium-restriction facilities in addition to high-restriction facilities. The amendment is intended to provide medium-restriction facilities with an additional approved intervention option for limited, unsafe situations when non-physical interventions and other physical interventions have failed or are not practical.

The proposed amendments are intended to support facility safety and operational security while preserving the rule's existing requirements that force be reasonable, limited to approved techniques, and used only by trained staff in accordance with the totality of the circumstances.

FISCAL NOTE

Emily Anderson, Deputy Executive Director: Support Operations and Finance, has determined that, for each year of the first five years the amended section is in effect, there will be no significant fiscal impact for state government or local governments as a result of enforcing or administering the section.

PUBLIC BENEFITS/COSTS

Cameron Taylor, Policy Director, has determined that for each year of the first five years the amended section is in effect, the public benefit anticipated as a result of administering the section will be to help enhance TJJD operational and public safety.

Ms. Anderson has also determined that there will be no effect on small businesses, micro-businesses, or rural communities. There is no anticipated economic cost to persons who are required to comply with the amended section as proposed. No private real property rights are affected by adoption of the section.

GOVERNMENT GROWTH IMPACT

TJJD has determined that, during the first five years the amended section is in effect, the section will have the following impacts.

- (1) The proposed section does not create or eliminate a government program.
- (2) The proposed section does not require the creation or elimination of employee positions at TJJD.
- (3) The proposed section does not require an increase or decrease in future legislative appropriations to TJJD.
- (4) The proposed section does not impact fees paid to TJJD.
- (5) The proposed section does not create a new regulation.
- (6) The proposed section does not expand, limit, or repeal an existing regulation.
- (7) The proposed section does not increase or decrease the number of individuals subject to the section's applicability.
- (8) The proposed section will not positively or adversely affect this state's economy.

PUBLIC COMMENTS

Comments on the proposal may be submitted within 30 days after publication of this notice to Texas Juvenile Justice Department,

Policy and Standards Section, P.O. Box 12757, Austin, Texas 78711, or via email to policy.proposals@tjjd.texas.gov.

STATUTORY AUTHORITY

The amended section is proposed under §242.003, Human Resources Code, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

No other statute, code, or article is affected by this proposal.

§380.9723. Use of Force.

(a) Purpose. This rule establishes the procedures for staff intervention when youth behavior threatens safety and order.

(b) Applicability.

(1) This rule applies to all facilities, offices, and programs operated by the Texas Juvenile Justice Department (TJJD), unless specifically stated otherwise in this rule.

(2) This rule does not apply to peace officers employed and commissioned by TJJD or by the TJJD Office of Inspector General.

(3) This rule does not apply to the use of four-point mechanical restraints for medical or mental health purposes. See §380.9198 of this title.

(c) General Provisions.

(1) Non-physical interventions are preferred and must be used to the extent practical to manage youth behavior.

(2) TJJD authorizes its staff to use reasonable force as a last resort to maintain safety and order. Only staff who are trained in agency-approved techniques are authorized to use force.

(3) The use of force as punishment or for convenience of staff is strictly prohibited.

(4) Approved use of force techniques are those determined by TJJD to minimize risk of harm to youth and staff.

(5) Staff must release youth from manual or mechanical restraint as soon as the purpose for the restraint has been achieved.

(6) If a staff member observes a use of force in violation of policy, he/she must take action, as practical, to protect the youth from harm.

(7) Staff must report any violations of this policy as soon as possible, but no later than the end of the current shift.

(8) Violations of this policy may result in disciplinary action up to and including termination of employment.

(9) After any manual restraint or use of oleoresin capsicum (OC) spray in a high restriction facility, a youth must be assessed by medical staff as soon as reasonably possible under the totality of the circumstances. After any manual restraint in a medium restriction facility, medical staff must be consulted as soon as reasonably possible. Any injuries must be documented in the medical record along with an explanation from the youth describing how the injuries occurred. Photographs must be taken of all injuries.]

(10) After any manual restraint in a medium restriction facility, medical staff must be consulted as soon as reasonably possible.

(11) Any injuries must be documented in the medical record along with an explanation from the youth describing how the injuries occurred. Photographs must be taken of all injuries.

(12) ~~[(10)]~~ Only restraint equipment approved by the executive director or his/her designee may be used in TJJD facilities. All

restraint equipment must be used in a manner consistent with its design and intended purpose.

(13) [(44)] Only the facility administrator, staff having authority to act as the facility administrator, or a higher-level authority in the facility administrator's chain of supervision may declare that a particular situation is a riot, consistent with the definition of a riot.

(d) References.

(1) For procedures and programs designed to allow youth time to regain self-control, see §§380.9520, 380.9739, and 380.9740 of this title.

(2) For criteria and procedures on administering a psychotropic drug in a psychiatric emergency when a youth will not give consent for the administration, see §380.9192 of this title.

(3) For procedures relating to youth searches, see §380.9709 of this title.

(e) Definitions.

(1) Barricade--any of the following, if used by a youth to prevent and/or obstruct staff from gaining access to the youth: a locked, jammed, or blocked door, dorm furniture, boxes, desks, chairs, computers, folding tables, stacked mattresses, or any other similar item that obstructs passage.

(2) Handle With Care®--an agency-trained physical intervention system.

(3) Imminent Harm--a reasonable belief that harm to persons or property is about to occur, unless immediate action is taken.

(4) Medical Provider--has the meaning assigned by §380.9175 of this title.

(5) Positional Asphyxia--the reduction in oxygen in the bloodstream and tissues due to an impairment of a person's respiratory system caused by body positioning or the application of external weight/pressure.

(6) Practical--a reasonable belief that something is capable of being done.

(7) Reasonable Belief--a belief that would be held by a similarly trained staff considering the totality of the circumstances.

(8) Reasonable Force--the least amount of force that a trained staff, in like circumstances, would reasonably believe to be necessary to maintain order and safety as authorized under this rule.

(9) Serious Bodily Injury--an injury that creates a substantial risk of death, serious permanent disfigurement, or extended loss or impairment of the function of any bodily member or organ.

(10) Substantial Property Damage--at least \$500 in damage to state property or another's personal property.

(11) Totality of the Circumstances--facts and circumstances known by the actor at the time of the incident.

(12) Use of Force--physical measures used to direct, compel, or restrain bodily movement of a non-compliant youth.

(13) Riot--a situation in which three or more youths intentionally participate in conduct that threatens imminent harm to persons or property and that substantially obstructs the performance of facility operations or a program therein.

(f) Non-Physical Interventions. Alternatives to force must be used whenever practical to assist a youth in maintaining or regaining self-control. Staff are prohibited from using humiliating punish-

ment, including verbal harassment to manage youth behavior. Staff are trained in the use of the following non-physical intervention techniques:

(1) Staff presence--this includes mere presence of staff to include non-verbal gestures made with eyes, hands, head, or body utilizing proximity, standing, eye contact and/or facial expressions; and/or involving additional staff to intervene.

(2) Verbal de-escalation--this includes verbal prompting, directive statements, and redirecting youth attention and/or behavior.

(3) Use of problem-solving groups.

(g) Physical Interventions. When reasonable force is necessary, staff are authorized to use the following methods:

(1) Physical Escort--touching of the arm, elbow, shoulder, or back for the purpose of directing the youth from one location to another.

(2) Mechanical Restraint--use of a mechanical device applied to a youth as a means of restricting a youth's freedom of action.

(3) Manual Restraint--use of hands-on techniques as a means of restricting a youth's freedom of action.

(4) Planned Team Restraint--restraint of a youth who is in a locked or barricaded room or security vehicle by a pre-assembled team.

(5) OC Spray--oleoresin capsicum spray, also known as pepper spray. Oleoresin capsicum is a mixture of essential oil and resin found in nature and derived from any plant of the genus capsicum, such as jalapeño, cayenne, or habanero.

(h) Criteria for Use of Force. Except as otherwise indicated in this rule, reasonable force is authorized under the following circumstances:

(1) protection of youth from imminent self-harm;
(2) protection of self from imminent harm;
(3) protection of other youth or third parties from imminent harm;

(4) protection of property from imminent, substantial damage;

(5) prevention of escape or fleeing apprehension;

(6) movement of a youth referred to the security unit, other temporary isolation room, or alternative classroom;

(7) movement of a resistant youth within the security unit when the youth's behavior is substantially disruptive and the youth refuses to stop the behavior;

(8) movement of a resistant youth from a dangerous situation;

(9) to conduct a search of a resistant youth reasonably believed to be in possession of a weapon, an item that can be adapted for use as a weapon, a controlled substance, or other item(s) that breach the security of the facility;

(10) to conduct a search of a resistant youth entering the security unit; or

(11) to administer medical treatment to a resistant youth when failure to do so could have serious health implications and a medical provider has ordered a restraint.

(i) Determining the Intervention or the Reasonable Force to be Used. In determining the type of intervention or the reasonable

force to be used, staff must consider whether action needs to be taken immediately or can be delayed until additional staff can organize a team response. However, only a medical provider may determine the type of intervention or the reasonable force to be used in administering medical treatment to a resistant youth.

(j) **Approved Use of Force Techniques.** Use of force techniques that may be used are limited to:

- (1) agency-trained:
 - (A) physical escort;
 - (B) Handle With Care® methods of manual restraint;
 - (C) mechanical restraints;
 - (D) OC spray, under certain limited circumstances; and

(2) other non-prohibited methods of manual restraint that under the totality of circumstances existing at the time:

(A) are more practical than the agency-trained Handle With Care® methods of restraint, taking into account the youth's and staff's particular vulnerability to harm;

(B) involve a use of force that is measured and progressive to a degree no greater than that reasonably believed necessary to achieve the objective; and

(C) do not unduly risk serious harm or needless pain to the youth or staff.

(k) **Prohibited Restraint Techniques.**

(1) Prohibited restraint techniques include the following:

(A) restricting respiration in any way, such as applying a chokehold or pressure to a youth's back or chest or placing a youth in a position that is capable of causing positional asphyxia;

(B) using any method that is capable of causing loss of consciousness or harm to the neck;

(C) pinning down with knees to the torso, head, and/or neck;

(D) slapping, punching, kicking, or hitting;

(E) using pressure-point, pain-compliance, and joint-manipulation techniques other than an approved Handle With Care® method for release of a chokehold, bite, or hair pull;

(F) modifying restraint equipment;

(G) applying any cuffing technique that connects handcuffs behind the back to ankle restraints;

(H) dragging or lifting of the youth by the hair or ear or by any type of mechanical restraints;

(I) lifting a youth's arms behind the back, while in mechanical restraints, in a manner that is capable of causing injury to the shoulder;

(J) using other youth or untrained staff to assist with the restraint;

(K) securing a youth to another youth or to a fixed object, other than to an agency-approved full-body restraint device; or

(L) administering a drug for controlling acute episodic behavior as a means of physical restraint, except when the youth's behavior is attributable to mental illness and the drug is authorized by a licensed psychiatric provider or physician and administered by a licensed medical professional.

(2) A physical contact that would otherwise be prohibited by subsection (k)(1) of this section, does not include one that is only accidental and momentary.

(l) **Requirements for Planned Team Restraint Situations.**

(1) **Criteria for Use.** Planned team restraint is authorized only to:

(A) stop the youth from engaging in self-harm;

(B) prevent substantial property damage; or

(C) recover a weapon or item that has been adapted for use as a weapon and is capable of causing death or serious bodily injury.

(2) **Requirements for Use.**

(A) Prior to approval of planned team restraint, the facility administrator or administrative duty officer must personally observe the situation. Only the facility administrator or administrative duty officer may authorize a planned team restraint.

(B) All planned team restraints must be videotaped when practical, including a recording of a verbal description of the youth's conduct and all warnings provided the youth according to the agency-approved script.

(C) Only staff trained in planned team restraint may participate in the team that is assembled for the room entry.

(D) The youth must be warned to discontinue the misconduct at least two times after the team is assembled and before the room entry. The team must provide continuous opportunities for compliance during the room entry.

(E) Use of the riot shield during a planned team restraint is limited to cases in which a youth has a weapon or a youth's behavior indicates there is a significant risk of harm to the staff members involved in the restraint.

(m) **Requirements for Use of Mechanical Restraints.**

(1) **Guidelines for Use.**

(A) Mechanical restraint equipment must not be secured so tightly as to interfere with circulation or so loosely as to permit chafing of the skin.

(B) When mechanical restraints are employed on a youth in a prone position, the youth is placed on his/her side as soon as practical in order to help ensure adequate respiration and circulation. The youth must be allowed to sit up as soon as his/her behavior is under control.

(C) A mechanical restraint for other than transportation, riot control, or medical purposes must be terminated as soon as the purpose for which the youth was restrained under subsection (h) of this section has been achieved, but in any event within 30 minutes, unless an extension is granted. Extensions may be granted by the facility administrator or designee for up to two-hour intervals until termination of restraint.

(D) A mechanical restraint for medical purposes must be terminated as soon as the purpose for which the youth was restrained has been achieved or upon expiration of the medical provider's order, whichever occurs first.

(E) When mechanical restraints are applied, staff must:

(i) check the youth for adequate respiration and circulation every 15 minutes;

(ii) provide regularly scheduled meals and drinks;

(iii) provide opportunity for elimination of bodily waste at least once every two hours; and

(iv) provide continuous visual supervision and appropriate assistance until the mechanical restraint is terminated.

(F) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain may be used when transporting a youth to a security unit, within a security unit, and from a security unit in order to prevent harm to the youth or others. These restraints may not be attached in a manner that prevents the youth from being able to stand upright. Mechanical restraints may remain on the youth for the duration of the activity if circumstances warrant such restraints.

(2) Restrictions on Use During or After Childbirth.

(A) TJJD staff may not use mechanical restraints to control the movement of a youth who is in labor, during delivery, or during recovery from delivery unless the executive director or designee determines that the use of restraints is necessary to:

(i) ensure the safety and security of the youth, the infant, a staff member, or a member of the public; or

(ii) prevent a substantial risk that the youth will attempt to escape.

(B) If restraint is approved by the executive director or designee, staff must use the least restrictive type and method of restraint necessary to achieve the purpose of the restraint.

(3) Mechanical Restraint Use by TJJD Transportation Staff. Mechanical ankle and wrist restraints attached to a waist belt by a lead chain must be used during secure transportation by designated TJJD transportation staff. Exceptions may be made for youth being transported following release on parole from a residential facility or when medically necessary.

(4) Mechanical Restraint Use by Other Transporters.

(A) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain must be used during transportation when a youth is being transported to a high restriction facility.

(B) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain may be used when transporting a youth off-campus.

(n) Requirements for Use of OC Spray.

(1) Authorization and Training for Use of OC Spray.

(A) OC spray is permitted only in TJJD-operated high-restriction and medium-restriction ~~[high restriction]~~ facilities.

(B) Unless reasonably believed necessary to prevent loss of life or serious bodily injury, authorization to use OC spray must be obtained from the facility administrator, assistant superintendent, or administrative duty officer prior to each use.

(C) The only staff authorized to routinely carry OC spray on-person are the facility administrator, assistant superintendent, administrative duty officer, juvenile correctional officer shift supervisor (one per shift), dorm supervisor, and security personnel whose primary responsibility is to patrol the campus and respond to security-related incidents. Any staff positions in addition to those listed must be authorized in writing by the executive director or his/her designee.

(D) Only staff who have been trained by TJJD in the use of OC spray are authorized to use it. TJJD's OC spray training curriculum must include a requirement that each staff member be sprayed with OC if:

(i) the staff member is receiving his/her first OC spray training as a TJJD employee; and

(ii) exposure to OC is not medically contraindicated.

(2) Criteria for Use.

(A) Except as provided in subparagraph (B) of this paragraph, OC spray is authorized for use only when non-physical interventions and other physical interventions have failed or are not practical, and it is reasonably believed necessary to:

(i) quell a riot or major campus disruption;

(ii) resolve a hostage situation;

(iii) remove youth from behind a barricade in a riot or self-harm situation;

(iv) secure an object that is being used as a weapon and that is capable of causing serious bodily injury;

(v) protect youth, staff, or others from imminent serious bodily injury; or

(vi) prevent escape.

(B) Unless reasonably believed necessary to prevent loss of life or serious bodily injury, OC spray is not authorized for use on a youth when a medical provider has diagnosed the youth with a chronic, serious respiratory problem or other serious health condition identified by TJJD (e.g., significant eye problems, known history of severe allergic reaction to OC, or severe dermatological problems).

(3) Guidelines for Use.

(A) OC spray canisters must be carefully controlled at all times.

(B) Any youth affected by OC spray must be decontaminated with cool water as soon as the purpose of the restraint has been achieved.

(C) Immediately following decontamination from OC spray, medical staff must be contacted to examine and, if necessary, treat and monitor all youth and staff affected by OC spray.

(D) Each individually assigned canister of OC must be weighed at the time it is assigned and after each use.

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 July 20, 2026.

TRD-202602941

Jana Jones

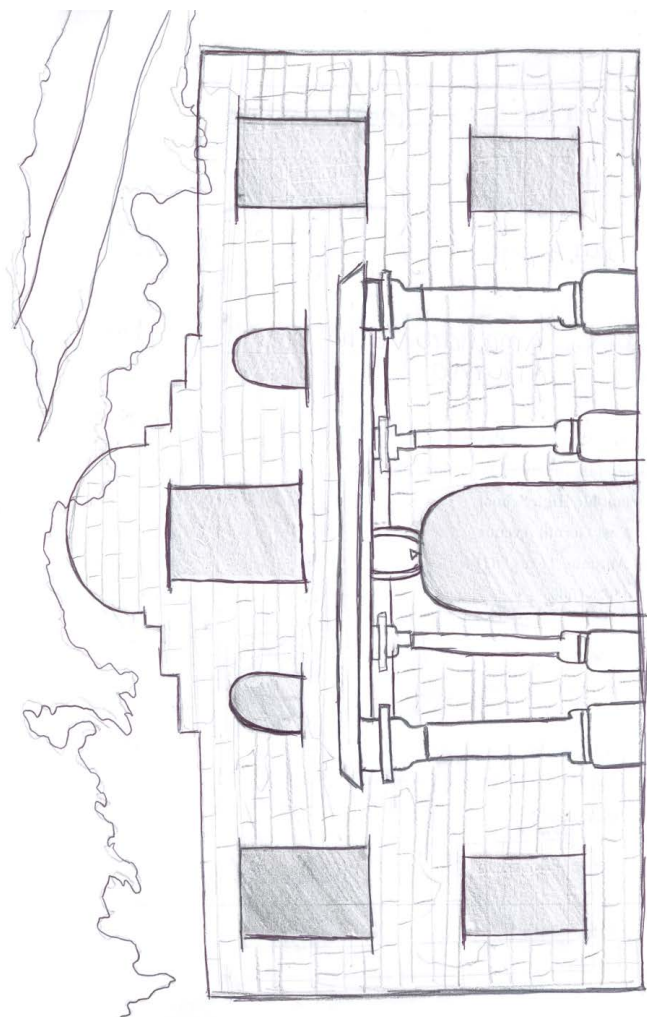
General Counsel

Texas Juvenile Justice Department

Earliest possible date of adoption: August 30, 2026

For further information, please call: (512) 490-7130

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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 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.

Filed with the Office of the Secretary of State on July 14, 2026.

TRD-202602891

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: August 3, 2026

Proposal publication date: May 29, 2026

For further information, please call: (512) 945-5978

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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.

Adopted Rule Reviews

Council on Sex Offender Treatment

Title 22, Part 36

The Council on Sex Offender Treatment (Council), adopts the review of the chapter below in Title 22, Part 36, of the Texas Administrative Code (TAC):

Chapter 810, Council on Sex Offender Treatment

Notice of the review of this chapter was published in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3913) for public comment.

The 31-day comment period ended July 13, 2026. During this period, the Council did not receive any comments regarding the proposed rule review.

The Council has reviewed Chapter 810 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The Council determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 810. Any amendments, if applicable, to Chapter 810 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes Council's review of 22 TAC Chapter 810 as required by Texas Government Code §2001.039.

TRD-202602922

Airen Targonski

Executive Director, Council on Sex Offender Treatment

Council on Sex Offender Treatment

Filed: July 15, 2026



Texas Health and Human Services Commission

Title 26, Part 1

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

Chapter 350, Early Childhood Intervention Services

Notice of the review of this chapter was published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3718) for public comment.

The 31-day comment period ended June 29, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 350 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 350. Any amendments, if applicable, to Chapter 350 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 350 as required by Texas Government Code §2001.039.

TRD-202602943

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 20, 2026



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

Chapter 374, Mental Health Early Intervention and Treatment Grant

Notice of the review of this chapter was published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3718) for public comment.

The 31-day comment period ended June 29, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 374 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 374. Any amendments, if applicable, to Chapter 374 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 374 as required by Texas Government Code §2001.039.

TRD-202602921

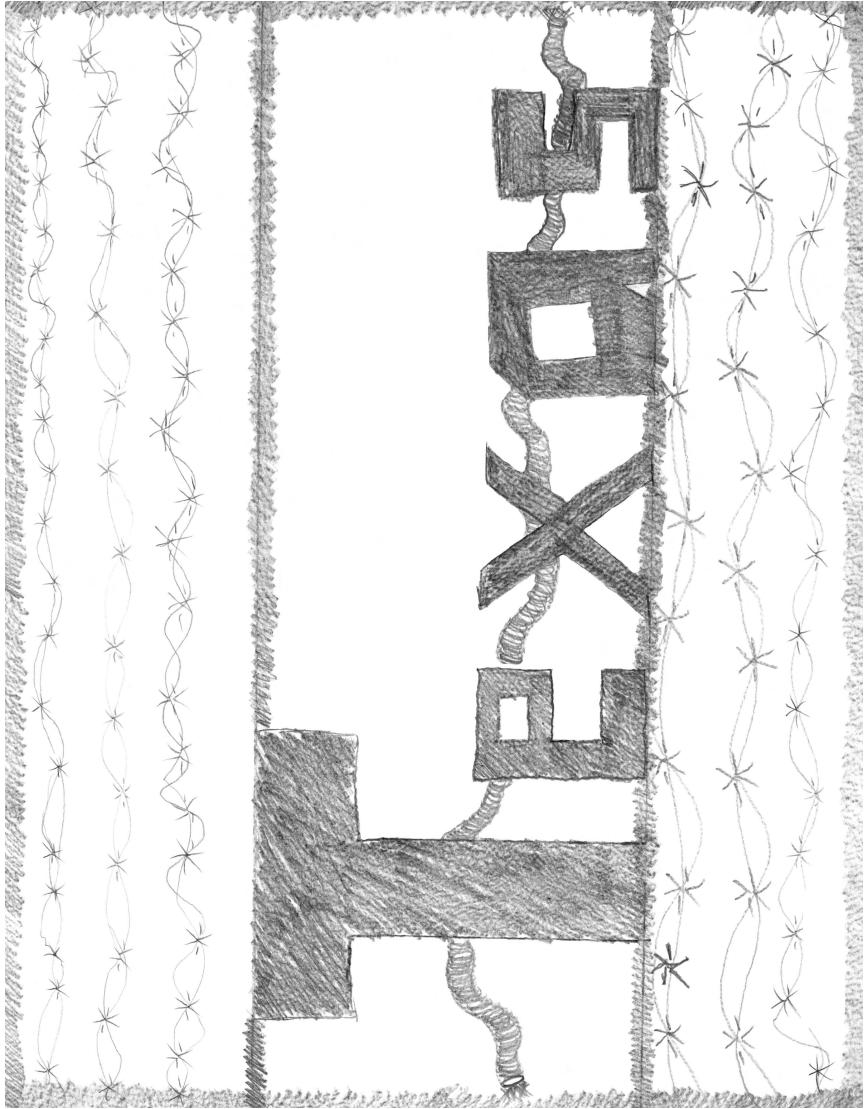
Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 15, 2026





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.

Alamo Area Metropolitan Planning Organization

Request for Qualifications/Proposals

The Great Springs Project (GSP) is seeking proposals from qualified firms to conduct and deliver the Great Springs Project FM 482 Shared Use Path Feasibility Study.

The Request for Proposals (RFP) may be obtained by downloading the RFP and attachments from GSP's website at www.greatspringsproject.org or emailing Darcie Schipull at RFP@greatspringsproject.org. Anyone wishing to submit a proposal must email it by 12:00 p.m. (CDT), Monday, August 31, 2026 to GSP at RFP@greatspringsproject.org.

Reimbursable funding for this study is contingent upon the availability of federal transportation planning funds.

TRD-202603053

Brendon Wheeler

Executive Director

Alamo Area Metropolitan Planning Organization

Filed: July 22, 2026



Request for Qualifications/Proposals

The Great Springs Project (GSP) is seeking proposals from qualified firms to conduct and deliver the Great Springs Project FM 1102 Active Transportation Feasibility Study.

The Request for Proposals (RFP) may be obtained by downloading the RFP and attachments from GSP's website at www.greatspringsproject.org or emailing Darcie Schipull at RFP@greatspringsproject.org. Anyone wishing to submit a proposal must email it by 12:00 p.m. (CDT), Monday, August 31, 2026 to GSP at RFP@greatspringsproject.org.

Reimbursable funding for this study is contingent upon the availability of federal transportation planning funds.

TRD-202603054

Brendon Wheeler

Executive Director

Alamo Area Metropolitan Planning Organization

Filed: July 22, 2026



Office of the Attorney General

Texas Health and Safety Code and Texas Water Code Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Health and Safety Code, Texas Water Code, and Texas Administrative Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the

proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *State of Texas v. R&K Fabricating Inc., and Ricardo Gonzalez*; Cause No. D-1-GN-24-003162, in the 250th Judicial District Court of Travis County, Texas.

Background: This matter involves the alleged unauthorized disposal and storage of industrial solid waste and hazardous waste at a former manufacturing facility situated along Highway 146 in Liberty County, Texas. The State sued Defendants R&K Fabricating Inc. ("R&K") and Ricardo Gonzalez, the former owners and operators of the facility, for civil penalties and injunctive relief attributed to the alleged unlawful disposal and storage of waste.

Proposed Settlement: The State, R&K, and Ricardo Gonzalez propose an Agreed Final Judgment and Permanent Injunction ("AFJ") which includes injunctive relief prohibiting Defendants from accepting and disposing waste at the site. The injunctive relief also requires Defendants submit a proposed sampling and determination plan to the Texas Commission on Environmental Quality ("TCEQ"), remove and properly dispose of the waste, conduct an initial Texas Risk Reduction Program ("TRRP") investigation, and remediate subject to TRRP if appropriate. Further, the AFJ awards the State \$100,000.00 in civil penalties and attorney's fees against Defendants, joint and severally, to be paid over three and a half years; half of this amount may be deferred upon strict compliance with the injunctive provisions in the AFJ.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Clark C. Reeder, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 970-4847, email: Clark.Reeder@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202603055

Justin Gordon

General Counsel

Office of the Attorney General

Filed: July 22, 2026



Texas Water Code and Texas Health and Safety Code Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Water Code.

Case Title and Court: *Harris County, Texas, and the State of Texas, acting by and through the Texas Commission on Environmental Quality, a Necessary and Indispensable Party v. Rocket Materials, LLC d/b/a Rocket Ready-Mix*; Cause No. 2025-54578, in the 269th Judicial District, Harris County, Texas.

Nature of the Suit: Defendant Rocket Ready-Mix operates a concrete batch plant at 914 Pinafore Lane, Houston, Texas 77039. Harris County initiated suit alleging the following: failure to maintain fabric/cartridge filters and collecting systems; failure to install a suction shroud or other pickup device at the batch drop point and vent it to a fabric/filter system with a minimum of 5,000 Actual Cubic Feet per Minute (acfm); failure to maintain plant buffer distances from the property line; and failure to produce records related to Standard Permit Administrative Requirements, in violation of the Texas Clean Air Act, Texas Water Code, and rules promulgated by the Texas Commission on Environmental Quality (TCEQ). The State of Texas, on behalf of TCEQ, joined the suit as a necessary and indispensable party.

Proposed Settlement: The proposed Agreed Final Judgment includes injunctive relief that orders the Defendant to reduce stockpile height or increase the height of the bunker walls with a solid material such that the top of each stockpile is at least two feet below the top of each of the three sides of the bunker containing it; construct dust suppressant fencing that is at least 12 feet high along the property boundary; and coordinate with Harris County to facilitate an inspection to verify compliance with the above conditions. The proposed settlement also assesses against the Defendant civil penalties in the amount of \$58,400.00 and attorney's fees in the amount of \$6,600.00, with each amount to be equally divided between Harris County and the State.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment, and written comments on the proposed settlement, should be directed to Avery Yu, Assistant Attorney General, Office of the Attorney General, P.O. Box 12548, MC 066, Austin, Texas 78711-2548, phone (512) 463-2012, facsimile (512) 320-0911, or email: avery.yu@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202602983
Justin Gordon
General Counsel
Office of the Attorney General
Filed: July 21, 2026

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, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/27/26 - 08/01/26 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/27/26 - 08/01/26 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202603050

Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: July 22, 2026

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 31, 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 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 31, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENF-COMNT@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: 100 Erskine Ferry LLC, 101 Rio Cibolo Island Dr LLC, and 178 Rio Cibolo Way LLC; DOCKET NUMBER: 2026-0526-WR-E; IDENTIFIER: RN112339502; LOCATION: Marion, Guadalupe County; TYPE OF FACILITY: campground; PENALTY: \$2,000; 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: Alon USA, LP; DOCKET NUMBER: 2023-0979-AIR-E; IDENTIFIER: RN100250869; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$137,361; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$54,944; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk

Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(3) COMPANY: Alon USA, LP; DOCKET NUMBER: 2024-1737-AIR-E; IDENTIFIER: RN100250869; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$49,098; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$25,549; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(4) COMPANY: Bayport Polymers LLC; DOCKET NUMBER: 2021-0009-AIR-E; IDENTIFIER: RN100909373; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$107,641; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$47,056; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(5) COMPANY: Cabinetworks Group Michigan LLC; DOCKET NUMBER: 2021-0710-AIR-E; IDENTIFIER: RN102593894; LOCATION: Duncanville, Dallas County; TYPE OF FACILITY: cabinet manufacturing plant; PENALTY: \$25,151; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(6) COMPANY: Canyon Creek Custom Homes LLC; DOCKET NUMBER: 2026-0175-WQ-E; IDENTIFIER: RN112347075; LOCATION: Venus, Ellis County; TYPE OF FACILITY: construction site; PENALTY: \$12,375; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(7) COMPANY: City of Bastrop; DOCKET NUMBER: 2025-0366-MLM-E; IDENTIFIER: RN104239934; LOCATION: Bastrop, Bastrop County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$33,250; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(8) COMPANY: City of Georgetown; DOCKET NUMBER: 2022-1621-MWD-E; IDENTIFIER: RN102140571; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$27,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$21,600; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(9) COMPANY: City of Georgetown; DOCKET NUMBER: 2023-0496-MWD-E; IDENTIFIER: RN102917242; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$76,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$76,125; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(10) COMPANY: City of Granger; DOCKET NUMBER: 2025-1772-MWD-E; IDENTIFIER: RN100822642; LOCATION: Granger, Williamson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$43,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$43,875; ENFORCEMENT COORDINATOR:

Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: City of Liberty; DOCKET NUMBER: 2022-1575-MWD-E; IDENTIFIER: RN102078128; LOCATION: Liberty, Liberty County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$63,525; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$63,525; 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 Port Arthur; DOCKET NUMBER: 2023-0486-MSW-E; IDENTIFIER: RN100225390; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: landfill; PENALTY: \$32,095; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$25,676; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(13) COMPANY: City of Runaway Bay; DOCKET NUMBER: 2026-0402-PWS-E; IDENTIFIER: RN101391431; LOCATION: Runaway Bay, Wise County; TYPE OF FACILITY: public water supply; PENALTY: \$2,925; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(14) COMPANY: Comanche County Water Supply Corporation; DOCKET NUMBER: 2023-0167-PWS-E; IDENTIFIER: RN102675337; LOCATION: De Leon, Comanche County; TYPE OF FACILITY: public water supply; PENALTY: \$1,238; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(15) COMPANY: ExxonMobil Oil Corporation; DOCKET NUMBER: 2025-1716-AIR-E; IDENTIFIER: RN100542844; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: industrial chemical manufacturing plant; PENALTY: \$12,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$5,100; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: Flint Hills Resources Ingleside, LLC; DOCKET NUMBER: 2025-0087-AIR-E; IDENTIFIER: RN100222744; LOCATION: Ingleside, San Patricio County; TYPE OF FACILITY: petroleum storage site; PENALTY: \$28,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$14,000; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: Fort Bend County Municipal Utility District No. 151; DOCKET NUMBER: 2024-1858-MWD-E; IDENTIFIER: RN104335666; LOCATION: Katy, Fort Bend County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$23,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$15,000; ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(18) COMPANY: Gupta, Manish; DOCKET NUMBER: 2026-0739-WR-E; IDENTIFIER: RN112298930; LOCATION: Seguin, Guadalupe County; TYPE OF FACILITY: operator; PENALTY: \$350; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(19) COMPANY: INV Propylene, LLC; DOCKET NUMBER: 2023-1338-AIR-E; IDENTIFIER: RN102576063; LOCATION: Houston, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$144,300; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$57,720; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(20) COMPANY: Kinder Morgan Crude & Condensate LLC; DOCKET NUMBER: 2024-0435-AIR-E; IDENTIFIER: RN108071325; LOCATION: Galena Park, Harris County; TYPE OF FACILITY: petroleum refining plant; PENALTY: \$79,950; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$31,980; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(21) COMPANY: LV PETROLEUM, LLC; DOCKET NUMBER: 2025-1908-PST-E; IDENTIFIER: RN108697533; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$6,438; ENFORCEMENT COORDINATOR: Bryce Huck, (512) 239-4655; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: Loyola Junction LLC; DOCKET NUMBER: 2025-1914-MSW-E; IDENTIFIER: RN111721692; LOCATION: Austin, Travis County; TYPE OF FACILITY: landfill; PENALTY: \$7,125; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(23) COMPANY: LyondellBasell Acetyls, LLC; DOCKET NUMBER: 2021-0483-AIR-E; IDENTIFIER: RN100217207; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$79,850; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$31,940; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: MCN Operating, LLC; DOCKET NUMBER: 2023-1793-IHW-E; IDENTIFIER: RN100640598; LOCATION: Garland, Dallas County; TYPE OF FACILITY: electroplating business; PENALTY: \$67,156; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$26,862; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(25) COMPANY: Nutrien US LLC; DOCKET NUMBER: 2025-0570-AIR-E; IDENTIFIER: RN101865715; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: chemical plant; PENALTY: \$25,438; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(26) COMPANY: Orange County Water Control and Improvement District No. 2; DOCKET NUMBER: 2023-1580-MWD-E; IDENTIFIER: RN101614030; LOCATION: West Orange, Orange County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$16,800; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$13,440; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(27) COMPANY: Panhandle Eastern Pipe Line Company, LP; DOCKET NUMBER: 2026-0317-AIR-E; IDENTIFIER: RN102549359; LOCATION: Spearman, Hansford County; TYPE OF FACILITY: natural gas compressor station; PENALTY: \$22,500; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(28) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2023-0341-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petrochemical processing and manufacturing plant; PENALTY: \$97,801; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$48,900; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(29) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2024-1271-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$25,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$10,300; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(30) COMPANY: Southwestern Public Service Company; DOCKET NUMBER: 2026-0427-AIR-E; IDENTIFIER: RN100224534; LOCATION: Earth, Lamb County; TYPE OF FACILITY: fossil fuel power generation plant; PENALTY: \$10,500; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(31) COMPANY: Steel Dynamics Southwest, LLC; DOCKET NUMBER: 2024-1841-AIR-E; IDENTIFIER: RN110750965; LOCATION: Sinton, San Patricio County; TYPE OF FACILITY: steel mill; PENALTY: \$25,000; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(32) COMPANY: Targa Midstream Services LLC; DOCKET NUMBER: 2023-0490-AIR-E; IDENTIFIER: RN100222900; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: natural gas plant; PENALTY: \$997,430; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$498,715; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(33) COMPANY: Texas Metal Casting Co.; DOCKET NUMBER: 2025-0434-AIR-E; IDENTIFIER: RN100652304; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: metal casting site; PENALTY: \$19,125; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(34) COMPANY: The Dow Chemical Company; DOCKET NUMBER: 2024-1070-AIR-E; IDENTIFIER: RN100225945; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$37,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$15,000; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(35) COMPANY: The Lubrizol Corporation; DOCKET NUMBER: 2026-0111-AIR-E; IDENTIFIER: RN100221589; LOCATION: Deer

Park, 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.

(36) COMPANY: The San Antonio Refinery LLC; DOCKET NUMBER: 2024-1066-AIR-E; IDENTIFIER: RN101485183; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$65,978; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: San Antonio, REGION 12 - HOUSTON.

(37) COMPANY: West Harris County Municipal Utility District No. 11; DOCKET NUMBER: 2024-1867-MLM-E; IDENTIFIER: RN102998374; LOCATION: Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$26,725; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$21,380; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(38) COMPANY: West Keegans Bayou Improvement District; DOCKET NUMBER: 2026-0073-WQ-E; IDENTIFIER: RN105506349; LOCATION: Fort Bend, Fort Bend County; TYPE OF FACILITY: multiple separate storm sewer system; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202602950

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 21, 2026



Combined Notice of Public Meeting and Notice of Receipt of Application and Intent to Obtain Water Quality Permit (Nori) and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016870001

APPLICATION AND PRELIMINARY DECISION. Winpointe Investments WW LLC, 7800 Brandi Place, North Richland Hills, Texas 76182, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016870001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 650,000 gallons per day. TCEQ received this application on August 28, 2025.

PURPOSE OF COMBINED NOTICE: This combined notice is being issued to provide public meeting information and to update the discharge route from what was previously stated in the NORI, issued on September 23, 2025.

The facility will be located approximately 4,400 feet northeast of the intersection of Lorraine Lane and State Highway 243, in Kaufman County, Texas 75142. **The treated effluent will be discharged to Kaufman Lake, thence to Big Cottonwood Creek, thence to Kings Creek, thence to Cedar Creek Reservoir in Segment No. 0818 of the Trinity River Basin.** The unclassified receiving water use is high aquatic life use for Kaufman Lake. The designated uses for Segment No. 0818 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code

§307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. A Tier 2 antidegradation review has preliminarily determined that by adding permit requirements for total phosphorus of 0.5 mg/l to the permit, no significant degradation of waters with exceptional, high, or intermediate aquatic life use is expected. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-96.24235,32.590239&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Kaufman County Library, Reference Desk, 3790 South Houston Street, Kaufman, in Kaufman County, Texas. The application and associated notices are available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by a local legislator.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about 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. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response 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:

Tuesday, September 8, 2026 at 7:00 p.m.

Kaufman Civic Center

607 East Fair Street

Kaufman, Texas 75142

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.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the

permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice, or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Winpointe Investments WW LLC at the address stated above or by calling Mr. Danny Parks, P.E., WaterEngineers, Inc., at (281) 373-0500.

Issuance Date: July 21, 2026

TRD-202602954

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 21, 2026



Notice of Completion of Technical Review Radioactive Material License Number R04100

APPLICATION. Waste Control Specialists LLC (WCS) has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of a radioactive material license to authorize the commercial disposal of Low-Level Radioactive Waste (LLRW) and the storage and processing of radioactive substances. The facility is located at 9998 State Highway 176 West, one mile north of State Highway 176 and 250 feet east of the Texas and New Mexico State Line (30 miles west of Andrews, Texas) in Andrews County, Texas. The application for renewal was received on August 25, 2023 with revisions to the application received December 22, 2023, March 18, 2025, June 3, 2025, August 4, 2025, August 7, 2025, October 31, 2025, and November 19, 2025.

The facility is located at 9998 State Highway 176 West in Andrews County, Texas. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://arcg.is/1DzCLO2>

PRELIMINARY DECISION. The TCEQ Executive Director has completed the technical review of the renewal application and prepared a draft license. The draft license, if approved, would establish the conditions under which the facility must operate. The Executive

Director has made a preliminary decision that this license, if issued, meets all statutory and regulatory requirements.

The license application, the Executive Director's technical summary, environmental analysis, and the draft license are available for viewing and copying at the TCEQ's central office in Austin, Texas and at the Andrews Public Library, 109 NW 1st Street, Andrews, Texas 79714.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments.

OPPORTUNITY FOR A CONTESTED CASE HEARING. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. The TCEQ may grant a contested case hearing on this application if a written hearing request is timely submitted. A request for a contested case hearing must be submitted to the Office of the Chief Clerk within 30 days after the date of newspaper publication of this notice.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and license number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the license and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments or a request for reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and license number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

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 above link, enter the license number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted either electronically at <https://www.tceq.texas.gov/agency/decisions/cc/comments.html>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087 within 30 days from the date of newspaper publication of this notice. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this license application or the licensing process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from WCS at the facility address stated above or by calling Mr. Jay Cartwright at (432) 525-8698.

Issued: July 16, 2026

TRD-202602949

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 21, 2026



Notice of District Petition - D-06122026-040

Notice issued July 17, 2026

TCEQ Internal Control No. D-06122026-040: HLH Properties, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Violet Farms Municipal Management District of Medina 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; Article III, §52 of the Constitution of the State of Texas; Chapter 49 of the Texas Water Code; Chapter 375 of the Texas Local Government Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds a majority in value of the land to be included in the proposed District; (2) there is one lienholder, i.e., Prosperity Bank, on the property to be included in the proposed District and information provided indicates that the lienholder consents to creation of the proposed District; (3) the proposed District will contain approximately 94.519 acres located within Medina County, Texas; (4) the District is entirely within the extraterritorial jurisdiction of the City of La Coste, Texas, (City) and outside the corporate limits or extraterritorial jurisdiction of any other city or town; and (5) by Resolution, the City granted its consent and permission for creation of the proposed District. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; (3) construct, install, maintain, purchase and operate additional facilities authorized by Chapter 375, Texas Local Government Code; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of additional facilities as shall be consonant with the purposes for which the District is organized. 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 \$11,480,000 (\$8,500,000 for water, wastewater, and drainage plus \$2,980,000 for roads).

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-202602948

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 21, 2026



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 31, 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 au-

thority. 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 31, 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: The American Legion, Missing in Action Post No. 231, The American Legion, Department of Texas, Pottsboro, Texas; DOCKET NUMBER: 2023-0444-UTL-E; TCEQ ID NUMBER: RN110053949; LOCATION: 133 Army Avenue near Pottsboro, Grayson County; TYPE OF FACILITY: a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer and is not located in a county with a population of 3.3 million or more or in a county with a population of 660,000 or more adjacent to a county with a population of 3.3 million or more; PENALTY: \$480; STAFF ATTORNEY: James Sallans, Litigation, MC 175, (512) 239-2053; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: City of Mingus; DOCKET NUMBER: 2024-1372-PWS-E; TCEQ ID NUMBER: RN101394765; LOCATION: Highway 108 between Strawn and Gordon, near Mingus, Palo Pinto County; TYPE OF FACILITY: a public water supply; PENALTY: \$335; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: D.Burton Construction LLC; DOCKET NUMBER: 2023-1795-WQ-E; TCEQ ID NUMBER: RN111750345; LOCATION: east of San Marcos Drive and Community Drive Intersection, Cleveland, Liberty County; TYPE OF FACILITY: a construction site; PENALTY: \$28,125; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: D.Burton Construction LLC; DOCKET NUMBER: 2023-1796-WQ-E; TCEQ ID NUMBER: RN111472460; LOCATION: north of Devin N, west of County Road 343, and east of Farm-to-Market Road 1010, Cleveland, Liberty County; TYPE OF FACILITY: a construction site; PENALTY: \$48,125; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500

TRD-202602951

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 21, 2026

◆ ◆ ◆
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 hearing 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 31, 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 31, 2026**. 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: Micci Carter; DOCKET NUMBER: 2023-0706-WOC-E; TCEQ ID NUMBER: RN109442582; LOCATION: 971 West San Antonio Street, New Braunfels, Comal County; TYPE OF FACILITY: landscape irrigation systems; PENALTY: \$867; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(2) COMPANY: Vernon Session and Ruby Session; DOCKET NUMBER: 2024-0597-PST-E; TCEQ ID NUMBER: RN101294189; LOCATION: 201 North Avenue East, Haskell, Haskell County; TYPE OF FACILITY: a temporarily out-of-service underground storage tank system and former retail gas station; PENALTY: \$3,926; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

TRD-202602952

Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 21, 2026

◆ ◆ ◆
Notice of Water Quality Application - WQ0015882001 Minor
Amendment

The following notice was issued on July 21, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE WAS MAILED.

INFORMATION SECTION

River Rock Trails Municipal Utility District No. 1 (formerly known as Rockwall County WCID No. 2) has applied for a minor amendment to the Texas Pollutant Discharge Elimination System TPDES Permit No. WQ0015882001 to authorize a change in the proposed treatment method, and increase in the permitted flow for the Interim I phase from 135,000 gallons per day (gpd) to 150,000 gpd and for the Interim II phase from 250,000 gpd to 450,000 gpd. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 750,000 gpd. The facility will be approximately 4,000 feet southeast of the intersection of Farm-to-Market Road 550 and 4,000 feet southwest of Jones Road, in Rockwall County, Texas 75254.

TRD-202602953
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 21, 2026

◆ ◆ ◆
Notice of Water Quality Application - WQ0016175001 Minor
Amendment

The following notice was issued on July 21, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE WAS MAILED.

INFORMATION SECTION

Waller County Municipal Utility District No. 34C has applied for a minor amendment to the Texas Pollutant Discharge Elimination System No. WQ0016175001 to authorize to decrease the permitted flow for the Interim I phase from 247,500 gallons per day (gpd) to 60,000 gpd and for the Interim II phase from 495,000 gpd to 120,000 gpd. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gpd. The domestic wastewater treatment facility will be located approximately 2,650 feet southeast of the intersection of Davis Road and Farm-to-Market Road 362, in Waller County, Texas 77484.

TRD-202603049
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 22, 2026

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 July 6, 2026 to July 17, 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 24, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, August 23, 2026.

Federal License and Permit Activities:

Applicant: The Nature Conservancy - Cohn Preserve

Location: The project site is located in the Cohn Preserve adjacent to Corpus Christi Bay, Nueces County, Texas.

Latitude and Longitude: 27.7306267, -97.1676225

Project Description: The applicant proposes to construct six offshore breakwaters by placing approximately 12,900 cubic yards of graded riprap over 2.31 acres of estuarine open water by shallow water draft barges. The breakwaters will be placed within the -3 feet to -5 feet contours with 50-foot to 100-foot gaps allowing transmitted wave energy into the breach area.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by designing the project to avoid wetlands, mangroves, seagrass, and oyster reefs. The applicant has not proposed any compensatory mitigation because only bare bottom open water is being impacted. The breakwaters will provide long-term shoreline management to help reduce erosion.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2022-00304. 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: 26-1169-F1

Applicant: Sabine River Authority

Location: The project site is located in Cow Bayou, approximately 0.14 miles northeast of the intersection of TX State Highway 73 and Cow Bayou, in Orange, Orange County, Texas.

Latitude and Longitude: 30.046545, -93.820353

Project Description: The applicant proposes to discharge 1,468 cubic yards (CY) of concrete and earthen fill material into 0.42 acre of palustrine forested wetland and 0.36 acre of palustrine emergent wetland in association with the expansion of a parking lot for the existing boat launch and park. Additionally, the applicant proposes to discharge 50 CY of fill material into 0.009 acre below the High Tide

Line of Cow Bayou in association with the construction and backfilling of a 186-linear-foot bulkhead adjacent to the existing boat ramp. The project also includes the installation of a 133.2-square-foot floating dock, a 112-square-foot access gangway, and a 15-inch-diameter outfall into Cow Bayou.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by expanding an existing facility and utilizing best management practices such as silt fencing. The applicant has proposed to purchase wetland mitigation credits from the Golden Triangle Mitigation Bank to offset unavoidable impacts to waters of the United States. The U.S. Army Corps of Engineers 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 Code of Federal Regulations § 332.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2026-00242. 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: 26-1180-F1

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-202602947

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: July 20, 2026

Texas Health and Human Services Commission

Correction of Error

The Texas Health and Human Services Commission (HHSC) adopted amendments to several rules in Title 26, Chapter 745 in the July 17, 2026, issue of the *Texas Register* (51 TexReg 4693). Due to errors by the Texas Register, some of the amendments were published incorrectly.

Text was omitted from the final paragraph preceding the statutory authority section of the preamble. The final paragraph should read as follows:

Additionally, HHSC is not adopting the proposed changes to division numbers for Subchapter F, Division 7, "Immediate Threat or Danger to the Health or Safety of Children" and Division 8, "Administrator's Licensing." These divisions will remain as currently numbered.

The correct division name for the amendments to 26 TAC §745.609 and §745.615 was omitted. These amendments should have been published as Division 1 with the division name "Requesting Background Checks".

The correct division name for the amendments to 26 TAC §745.631 and §745.643 was omitted. These amendments should have been published as Division 2 with the division name "Determinations Regarding Background Checks".

The amendment to 26 TAC §745.751 was published under the wrong division name and number. The amendment should have been published under Division 7 with the division name "Immediate Threat or Danger to the Health or Safety of Children".

The amendment to 26 TAC §745.775 was published under the wrong division name and number. The amendment should have been published under Division 8 with the division name "Administrator's Licensing".

TRD-202603056



Notice of Public Hearing on Proposed Rule Amendments for Hospital Augmented Reimbursement Program (HARP)

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 14, 2026, at 1:00 p.m. CDT to receive public comments on proposed rule amendments to Title 1 Texas Administrative Code §355.8070, concerning the Hospital Augmented Reimbursement Program.

This hearing will be conducted online only. There is no physical location for this hearing. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following URL: <https://attendee.gotowebinar.com/register/8974355099647779676>

After registering, you will receive a confirmation email containing information about joining the hearing. You can also dial in using your phone by calling +1 (562) 247-8422.

If you are new to GoToWebinar, please download the GoToMeeting app at <https://global.gotomeeting.com/install/626873213> before the hearing starts.

A recording of the hearing will be archived and can be accessed on demand at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>.

Proposal. The rule amendments to §355.8070 are proposed to be effective October 2026.

Briefing Packet: Interested parties may obtain a copy of the proposed preamble and rule amendments in the upcoming August 7, 2026, issue of the *Texas Register* at <https://www.sos.texas.gov/texreg/index.shtml>.

Written Comments. Written comments regarding the proposed rule amendments may be submitted instead of, or in addition to, oral testimony until 11:59 p.m. on August 21, 2026. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247; or by email to HHRulesCoordinationOffice@hhs.texas.gov. Please include "Comments on Proposed Rule §355.8070" in the subject line. In addition, written comments may be sent by overnight mail to the Texas Health and Human Services Commission, Attention: Rules Coordination Office, Mail Code 4102, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Contact. Questions regarding the hearing or meeting arrangements should be directed to pfd_hospitals@hhs.texas.gov.

Persons who wish to participate in the hearing and require auxiliary aids or services should contact PFD at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202602955

Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: July 21, 2026



Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for Montgomery Mutual Insurance Company, a foreign fire and/or casualty company. The home office is in Boston, Massachusetts.

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-202602938
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: July 16, 2026



North Central Texas Council of Governments

Request for Proposals

Crossing Students Safely in the Dallas-Fort Worth Region

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms to develop a regional plan for the safety of pedestrian crossings at schools and the establishment of crossing guards, called Crossing Students Safely in the Dallas-Fort Worth Region. Development of the plan will include 1) stakeholder engagement to identify crossing guard establishment challenges and needs, 2) collecting and analyzing school zone pedestrian crossing and infrastructure data, 3) developing a regional school crossing guard placement decision-making process, and 4) developing tools and recommendations for pedestrian crossing safety in school zones.

NCTCOG will be releasing this Request for Proposals (RFP) on **Friday, July 31, 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. Proposals must be submitted in Bidnet Direct no later than **5:00 p.m., Central Time, on Friday, August 28, 2026**. Proposals received after that time will not be accepted. Proposals received after that time will not be accepted.

NCTCOG does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202602942
Todd Little
Executive Director
North Central Texas Council of Governments
Filed: July 20, 2026



Public Utility Commission of Texas

Notice of Application to Adjust High-Cost Support Under 16 TAC §26.407(h)

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on July 13, 2026, seeking

a determination of need for continued support from the Small and Rural Incumbent Local Exchange Company Universal Service Plan.

Docket Title and Number: Application of Colorado Valley Telephone Cooperative, Inc. to Adjust High-Cost Support Under 16 TAC §26.407(h), Docket Number 59984.

The Application: Colorado Valley Telephone Cooperative, Inc. requests a high-cost support adjustment increase of \$1,309,228 in annual high-cost support. According to Colorado Valley Telephone Cooperative, the requested adjustment complies with the cap of 140% of the annualized support the provider was authorized to receive in the 12 months of the 2024 calendar year, as required by 16 Texas Administrative Code §26.407(g)(1).

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 as a deadline to intervene may be imposed. Hearing-and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 59984.

TRD-202602928

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: July 16, 2026

Texas Department of Transportation

Public Notice - Photographic Traffic Signal Enforcement Systems: Municipal Reporting of Traffic Crashes

The Texas Department of Transportation (department) is requesting that each municipality subject to the requirements of Transportation Code § 707.004(d) provide the required data to the department **no later than October 30, 2026** in order for the department to meet the deadline for an annual report mandated by the Texas Legislature.

Pursuant to Section 7 of House Bill 1631, 86th Legislature, Regular Session, municipalities meeting certain criteria may continue to operate photographic traffic signal enforcement systems. Pursuant to Transportation Code § 707.004(d), each such municipality must continue to compile and submit to the department annual reports after installation showing the number and type of crashes that have occurred at the intersection.

Those municipalities that do not meet the criteria contained in Section 7 of House Bill 1631, 86th Legislature, Regular Session can no longer implement or operate photographic traffic enforcement systems with respect to highways or streets under their jurisdiction.

The department is required by Transportation Code § 707.004 to produce an annual report of the information submitted to the department by December 1 of each year.

The department has created a web page detailing municipal reporting requirements and to allow the required data to be submitted electronically:

<https://www.txdot.gov/safety/traffic-signs-signals/red-light-cameras/annual-reports.html>

For additional information contact the Texas Department of Transportation, Traffic Operations Division, 125 East 11th Street, Austin, Texas 78701-2483 or call (512) 416-3260.

TRD-202602919

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: July 15, 2026

Texas Workforce Commission

Request for Comment Regarding the Management Fee Rate Charged by WorkQuest, Inc.

Notice is hereby given that the Texas Workforce Commission (Commission) will review and make a decision on the management fee rate charged by the central nonprofit agency, WorkQuest, for its services to the community rehabilitation programs and its operation of the State Use Program for Fiscal Year 2027, as required by Texas Human Resources Code, §122.019(e).

The Commission will consider this review no earlier than Tuesday, October 6, 2026, in a duly posted open meeting.

WorkQuest has requested that the Commission set the Fiscal Year 2027 management fee rate at 6 percent of the sales price for products, 6 percent of the contract price for services, and 5 percent of the contract price for temporary staffing services. The Commission seeks public comment on WorkQuest's management fee rate request, as required by Texas Human Resources Code, §122.030.

Comments should be submitted in writing on or before October 1, 2026, to Kelvin Moore at the Texas Workforce Commission, 1117 Trinity, Room 144T, Austin, Texas 78711, or by email to purchasingfrompeoplewithdisabilities@twc.texas.gov.

For questions, call (512) 463-3244.

TRD-202603048

Les Trobman

General Counsel

Texas Workforce Commission

Filed: July 22, 2026

Workforce Solutions Brazos Valley Board

Request for Proposal for Program Compliance Monitoring Services for Workforce Solutions Brazos Valley Board

PUBLIC NOTICE FOR PROGRAM MONITORING

The purpose of the RFP is to solicit proposals for a qualified contractor with program knowledge of Texas Workforce Commission programs, per Texas Workforce Commission guidelines for their workforce center. The program monitoring Request for Proposal (RFP) will be available for download on the Workforce Solutions Brazos Valley website at www.bvjobs.org beginning July 22, 2026 under the **Board** tab. Interested parties can go to the Board tab on this page and select Request for Proposals. The link for the proposal is listed at Request for Proposals for Program Compliance Monitoring Services. The primary consideration in selecting a vendor will be their ability to provide these services as specified in the RFP.

Interested vendors can also email Barbara Clemmons at bclemmons@bvcog.org to request a copy of the proposal.

The deadline for proposals will be 4:00 p.m. CST on August 19, 2026.

Bidders will have the opportunity to ask questions during the **Zoom** bidder's conference call, which is scheduled for **July 30, 2026, 10:00 a.m. CST**. Attendance on the bidder's conference **Zoom** call is not

mandatory. All answers to questions from the bidder's **Zoom** conference call and any other questions received from interested parties will be posted at www.bvjobs.org by close of business on August 7, 2026.

Deadline for Questions: The Bidder's Conference Call will be held on Thursday, July 30, 2026 at 10:00 a.m. CST via Zoom. Below is the Zoom link: <https://us02web.zoom.us/j/88929378330?pwd=G-DMB656RhTD73SynM6lthbflrZtLH7.1>

If Bidders cannot attend the bidder's conference call on July 30, 2026, they can submit their questions in writing concerning this RFP to Barbara Clemmons at bclemmons@bvcog.org no later than August 6, 2026, 5:00 p.m. CST. Answers to all questions

received will be posted to www.bvjobs.org no later than Friday, August 7, 2026, 5:00 p.m. CST under the under the Board tab's Request For Proposals For Program Compliance Monitoring Services tab.

TRD-202602940

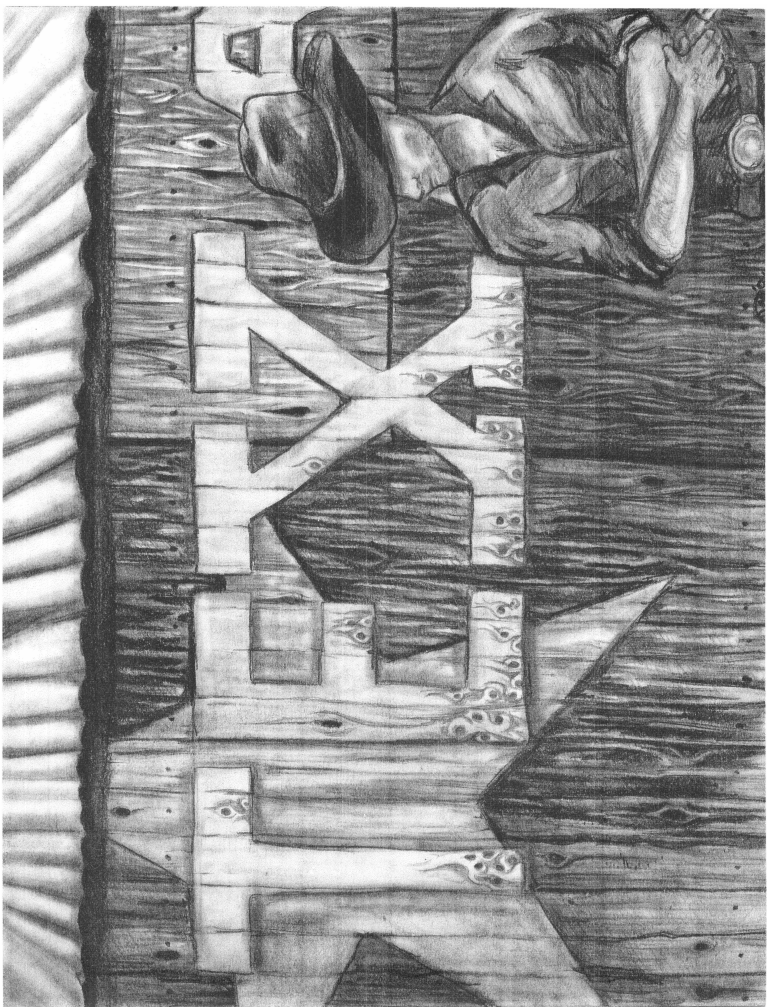
Vonda Morrison

Workforce Board Program Manager

Workforce Solutions Brazos Valley Board

Filed: July 17, 2026

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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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