

# TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

## Department of Aging and Disability Services

### Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). The Department of Aging and Disability Services (DADS) was abolished September 1, 2017, after all its functions were transferred to HHSC. The former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 4, Rights and Protection of Individuals Receiving Intellectual Disability Services, Subchapter D, Administrative Hearings Under Texas Health and Safety Code, Title 7, Subtitle D, and Chapter 9, Intellectual Disability Services--Medicaid State Operating Agency Responsibilities, Subchapter B, Adverse Actions, are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 100, Appeals and Hearings, Subchapter N, Hearings for Individuals Seeking or Receiving Intellectual Disability Services, and Subchapter O, Adverse Actions Pertaining to Intellectual Disability Services.

The rules will be transferred in the Texas Administrative Code effective October 31, 2025.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 4, Subchapter D and Chapter 9, Subchapter B  
TRD-202503623

## Health and Human Services Commission

### Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). The Department of Aging and Disability Services (DADS) was abolished September 1, 2017, after all its functions were transferred to HHSC. The former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 4, Rights and Protection of Individuals Receiving Intellectual Disability Services, Subchapter D, Administrative Hearings Under Texas Health and Safety Code, Title 7, Subtitle D, and Chapter 9, Intellectual Disability Services--Medicaid State Operating Agency Responsibilities, Subchapter B, Adverse Actions, are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 100, Appeals and Hearings, Subchapter N, Hearings for Individuals Seeking or Receiving Intellectual Disability Services, and Subchapter O, Adverse Actions Pertaining to Intellectual Disability Services.

The rules will be transferred in the Texas Administrative Code effective October 31, 2025.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 4, Subchapter D and Chapter 9, Subchapter B  
TRD-202503624

Figure: 40 TAC Chapter 4, Subchapter D and Chapter 9, Subchapter B

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| <b>Current Rules</b><br><b>Title 40. Social Services and Assistance</b><br><b>Part 1. Department of Aging and Disability Services</b><br><b>Chapter 4. Rights and Protection of Individuals Receiving Intellectual Disability Services</b><br><b>Subchapter D. Administrative Hearings Under Texas Health and Safety Code, Title 7, Subtitle D</b> | <b>Move to</b><br><b>Title 26. Health and Human Services</b><br><b>Part 1. Health and Human Services Commission</b><br><b>Chapter 100. Appeals and Hearings</b><br><b>Subchapter N. Hearings for Individuals Seeking or Receiving Intellectual Disability Services</b> |
| §4.151. Purpose.                                                                                                                                                                                                                                                                                                                                   | §100.501. Purpose.                                                                                                                                                                                                                                                     |
| §4.152. Application.                                                                                                                                                                                                                                                                                                                               | §100.503. Application.                                                                                                                                                                                                                                                 |
| §4.153. Definitions.                                                                                                                                                                                                                                                                                                                               | §100.505. Definitions.                                                                                                                                                                                                                                                 |
| §4.154. General Principles.                                                                                                                                                                                                                                                                                                                        | §100.507. General Principles.                                                                                                                                                                                                                                          |
| §4.155. Notice.                                                                                                                                                                                                                                                                                                                                    | §100.509. Notice.                                                                                                                                                                                                                                                      |
| §4.156. Request for an Administrative Hearing.                                                                                                                                                                                                                                                                                                     | §100.511. Request for an Administrative Hearing.                                                                                                                                                                                                                       |
| §4.157. Preliminary Matters.                                                                                                                                                                                                                                                                                                                       | §100.513. Preliminary Matters.                                                                                                                                                                                                                                         |
| §4.158. Burden of Proof.                                                                                                                                                                                                                                                                                                                           | §100.515. Burden of Proof.                                                                                                                                                                                                                                             |
| §4.159. The Administrative Hearing.                                                                                                                                                                                                                                                                                                                | §100.517. The Administrative Hearing.                                                                                                                                                                                                                                  |
| §4.160. Hearing Officer's Decision.                                                                                                                                                                                                                                                                                                                | §100.519. Hearing Officer's Decision.                                                                                                                                                                                                                                  |
| §4.161. References.                                                                                                                                                                                                                                                                                                                                | §100.521. References.                                                                                                                                                                                                                                                  |
| §4.162. Distribution.                                                                                                                                                                                                                                                                                                                              | §100.523. Distribution.                                                                                                                                                                                                                                                |
| <b>Current Rules</b><br><b>Title 40. Social Services and Assistance</b><br><b>Part 1. Department of Aging and Disability Services</b><br><b>Chapter 9. Intellectual Disability Services--Medicaid State Operating Agency Responsibilities</b><br><b>Subchapter B. Adverse Actions</b>                                                              | <b>Move to</b><br><b>Title 26. Health and Human Services</b><br><b>Part 1. Health and Human Services Commission</b><br><b>Chapter 100. Appeals and Hearings</b><br><b>Subchapter O. Adverse Actions Pertaining to Intellectual Disability Services</b>                 |
| §9.31. Application.                                                                                                                                                                                                                                                                                                                                | §100.531. Application.                                                                                                                                                                                                                                                 |
| §9.32. Definitions.                                                                                                                                                                                                                                                                                                                                | §100.533. Definitions.                                                                                                                                                                                                                                                 |
| §9.33. Notice of Adverse Action.                                                                                                                                                                                                                                                                                                                   | §100.535. Notice of Adverse Action.                                                                                                                                                                                                                                    |
| §9.34. Request for an Administrative Hearing.                                                                                                                                                                                                                                                                                                      | §100.537. Request for an Administrative Hearing.                                                                                                                                                                                                                       |
| §9.35. Withholding Provider Agreement Payments.                                                                                                                                                                                                                                                                                                    | §100.539. Withholding Provider Agreement Payments.                                                                                                                                                                                                                     |

## Department of Assistive and Rehabilitative Services

### Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished, and their functions transferred to the Texas Health and Human Services Commission (HHSC). The Department of Assistive and Rehabilitative Services (DARS) was abolished September 1, 2017, after all its functions were transferred to HHSC or the Department of Family and Protective Services. The former DARS rules in Texas Administrative Code (TAC), Title 40, Part 2, Chapter 101, Administrative Rules and Procedures, Subchapter E, Appeals and Hearing Procedures, are being transferred to Title 26, Part 1, Chapter 100, Appeals and Hearings, Subchapter P, Appeals and Hearing Procedures.

The rules will be transferred in the Texas Administrative Code effective October 31, 2025.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 101, Subchapter E

TRD-202503625

## Health and Human Services Commission

### Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished, and their functions transferred to the Texas Health and Human Services Commission (HHSC). The Department of Assistive and Rehabilitative Services (DARS) was abolished September 1, 2017, after all its functions were transferred to HHSC or the Department of Family and Protective Services. The former DARS rules in Texas Administrative Code (TAC), Title 40, Part 2, Chapter 101, Administrative Rules and Procedures, Subchapter E, Appeals and Hearing Procedures, are being transferred to Title 26, Part 1, Chapter 100, Appeals and Hearings, Subchapter P, Appeals and Hearing Procedures.

The rules will be transferred in the Texas Administrative Code effective October 31, 2025.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 101, Subchapter E

TRD-202503626

Figure: 40 TAC Chapter 101, Subchapter E

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| <b>Current Rules</b><br><b>Title 40. Social Services and Assistance</b><br><b>Part 2. Department of Assistive and Rehabilitative Services</b><br><b>Chapter 101. Administrative Rules and Procedures</b><br><b>Subchapter E. Appeals and Hearing Procedures</b> | <b>Move to</b><br><b>Title 26. Health and Human Services</b><br><b>Part 1. Health and Human Services Commission</b><br><b>Chapter 100. Appeals and Hearings</b><br><b>Subchapter P. Appeals and Hearing Procedures</b> |
| <b>Division 1. General Rules</b>                                                                                                                                                                                                                                | <b>Division 1. General Rules</b>                                                                                                                                                                                       |
| §101.901. Purpose.                                                                                                                                                                                                                                              | §100.551. Purpose.                                                                                                                                                                                                     |
| §101.903. Legal Authority.                                                                                                                                                                                                                                      | §100.553. Legal Authority.                                                                                                                                                                                             |
| §101.905. Definitions.                                                                                                                                                                                                                                          | §100.555. Definitions.                                                                                                                                                                                                 |
| §101.907. Filing a Request for Review.                                                                                                                                                                                                                          | §100.557. Filing a Request for Review.                                                                                                                                                                                 |
| §101.909. Time for Hearing.                                                                                                                                                                                                                                     | §100.559. Time for Hearing.                                                                                                                                                                                            |
| §101.911. Assignment of Impartial Hearing Officer.                                                                                                                                                                                                              | §100.561. Assignment of Impartial Hearing Officer.                                                                                                                                                                     |
| §101.913. Powers and Duties of Impartial Hearing Officer.                                                                                                                                                                                                       | §100.563. Powers and Duties of Impartial Hearing Officer.                                                                                                                                                              |
| §101.915. Substitution of Impartial Hearing Officer.                                                                                                                                                                                                            | §100.565. Substitution of Impartial Hearing Officer.                                                                                                                                                                   |
| §101.917. Reasonable Accommodations.                                                                                                                                                                                                                            | §100.567. Reasonable Accommodations.                                                                                                                                                                                   |
| §101.919. Appearance of Parties at Hearings; Representation.                                                                                                                                                                                                    | §100.569. Appearance of Parties at Hearings; Representation.                                                                                                                                                           |
| §101.921. Failure to Attend Hearing and Default.                                                                                                                                                                                                                | §100.571. Failure to Attend Hearing and Default.                                                                                                                                                                       |
| §101.923. Witness Fees.                                                                                                                                                                                                                                         | §100.573. Witness Fees.                                                                                                                                                                                                |
| §101.925. Prehearing Conferences.                                                                                                                                                                                                                               | §100.575. Prehearing Conferences.                                                                                                                                                                                      |
| §101.927. Dismissal Without Hearing.                                                                                                                                                                                                                            | §100.577. Dismissal Without Hearing.                                                                                                                                                                                   |
| §101.929. Conduct of Hearing.                                                                                                                                                                                                                                   | §100.579. Conduct of Hearing.                                                                                                                                                                                          |
| §101.931. Order of Proceedings.                                                                                                                                                                                                                                 | §100.581. Order of Proceedings.                                                                                                                                                                                        |
| §101.933. Rules of Evidence.                                                                                                                                                                                                                                    | §100.583. Rules of Evidence.                                                                                                                                                                                           |
| §101.935. Transcription of Proceedings.                                                                                                                                                                                                                         | §100.585. Transcription of Proceedings.                                                                                                                                                                                |
| §101.937. Prepared Testimony.                                                                                                                                                                                                                                   | §100.587. Prepared Testimony.                                                                                                                                                                                          |
| §101.939. Pleadings.                                                                                                                                                                                                                                            | §100.589. Pleadings.                                                                                                                                                                                                   |
| §101.941. Continuance.                                                                                                                                                                                                                                          | §100.591. Continuance.                                                                                                                                                                                                 |
| §101.943. Motion for Reconsideration.                                                                                                                                                                                                                           | §100.593. Motion for Reconsideration.                                                                                                                                                                                  |
| §101.945. Civil Action.                                                                                                                                                                                                                                         | §100.595. Civil Action.                                                                                                                                                                                                |
| §101.947. Mediation Procedures.                                                                                                                                                                                                                                 | §100.597. Mediation Procedures.                                                                                                                                                                                        |
| §101.949. Computation of Time.                                                                                                                                                                                                                                  | §100.599. Computation of Time.                                                                                                                                                                                         |
| <b>Division 2. Division for Blind Services and Division for Rehabilitation Services</b>                                                                                                                                                                         | <b>Division 2. Division for Blind Services and Division for Rehabilitation Services</b>                                                                                                                                |
| §101.1001. Purpose.                                                                                                                                                                                                                                             | §100.651. Purpose.                                                                                                                                                                                                     |
| §101.1003. Legal Authority.                                                                                                                                                                                                                                     | §100.653. Legal Authority.                                                                                                                                                                                             |
| §101.1005. Definitions.                                                                                                                                                                                                                                         | §100.655. Definitions.                                                                                                                                                                                                 |
| §101.1007. Filing a Request for Review.                                                                                                                                                                                                                         | §100.657. Filing a Request for Review.                                                                                                                                                                                 |

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| §101.1009. Filings.                                                                   | §100.659. Filings.                                                                   |
| §101.1011. Discovery and Mandatory Disclosures.                                       | §100.661. Discovery and Mandatory Disclosures.                                       |
| §101.1013. Documentary Evidence and Official Notice.                                  | §100.663. Documentary Evidence and Official Notice.                                  |
| §101.1015. Impartial Hearing Officer Decision.                                        | §100.665. Impartial Hearing Officer Decision.                                        |
| §101.1017. Finality of the Hearing Officer's Decision.                                | §100.667. Finality of the Hearing Officer's Decision.                                |
| §101.1019. Implementation of Final Decision.                                          | §100.669. Implementation of Final Decision.                                          |
| §101.1021. Motion for Reconsideration.                                                | §100.671. Motion for Reconsideration.                                                |
| §101.1023. Appeal of Final Decision.                                                  | §100.673. Appeal of Final Decision.                                                  |
| <b>Division 3. Division for Early Childhood Intervention Services</b>                 | <b>Division 3. Division for Early Childhood Intervention Services</b>                |
| §101.1101. Purpose.                                                                   | §100.691. Purpose.                                                                   |
| §101.1107. Administrative Hearings Concerning Individual Child Rights.                | §100.693. Administrative Hearings Concerning Individual Child Rights.                |
| §101.1111. Appeal of Final Decision.                                                  | §100.695. Appeal of Final Decision.                                                  |
| §101.1113. Computation of Time.                                                       | §100.697. Computation of Time.                                                       |
| <b>Division 4. Office for Deaf and Hard of Hearing Services</b>                       | <b>Division 4. Office for Deaf and Hard of Hearing Services</b>                      |
| §101.1201. Purpose.                                                                   | §100.725. Purpose.                                                                   |
| §101.1203. Legal Authority.                                                           | §100.727. Legal Authority.                                                           |
| §101.1205. Definitions.                                                               | §100.729. Definitions.                                                               |
| §101.1207. Rules and Procedures Governing Hearings.                                   | §100.731. Rules and Procedures Governing Hearings.                                   |
| §101.1209. Revocation and Suspension of a Certificate.                                | §100.733. Revocation and Suspension of a Certificate.                                |
| §101.1211. Grounds for Denying, Revoking, or Suspending an Interpreter's Certificate. | §100.735. Grounds for Denying, Revoking, or Suspending an Interpreter's Certificate. |
| §101.1213. Codes of Professional Conduct and Ethics.                                  | §100.737. Codes of Professional Conduct and Ethics.                                  |
| §101.1215. Filing a Request for Hearing.                                              | §100.739. Filing a Request for Hearing.                                              |
| §101.1217. Filings.                                                                   | §100.741. Filings.                                                                   |
| §101.1219. Discovery and Evidence.                                                    | §100.743. Discovery and Evidence.                                                    |
| §101.1221. Documentary Evidence and Official Notice.                                  | §100.745. Documentary Evidence and Official Notice.                                  |
| §101.1223. Impartial Hearing Officer Decision.                                        | §100.747. Impartial Hearing Officer Decision.                                        |
| §101.1225. Finality of the Hearing Officer's Decision.                                | §100.749. Finality of the Hearing Officer's Decision.                                |
| §101.1227. Implementation of Final Decision.                                          | §100.751. Implementation of Final Decision.                                          |
| §101.1229. Motion for Reconsideration.                                                | §100.753. Motion for Reconsideration.                                                |
| §101.1231. Appeal of Final Decision.                                                  | §100.755. Appeal of Final Decision.                                                  |