

# 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.

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## Proposed Rule Reviews

Office of the Attorney General

### Title 1, Part 3

#### Chapter 55

The Office of the Attorney General (OAG) files this notice of intention to review 1 TAC Chapter 55, Child Support Enforcement. The review is conducted in accordance with Texas Government Code §2001.039, which requires state agencies to review and consider their administrative rules for re-adoption, re-adoption with amendment, or repeal every four years. The review will include an assessment of whether the reasons for initially adopting the rules continue to exist.

For 30 days following the publication of this notice, the OAG will accept public comments regarding the review. Comments should be directed to Rebecca Foster, Deputy Division Chief, Child Support Legal Services, Child Support Division, Office of the Attorney General, (physical address) 5500 East Oltorf, Austin, Texas, 78741 or (mailing address) P.O. Box 12017, Mail Code 044, Austin, Texas 78711-2017, [Rebecca.Foster@oag.texas.gov](mailto:Rebecca.Foster@oag.texas.gov).

Any proposed changes to these rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption or repeal by the OAG.

#### Chapter 66

The Office of the Attorney General (OAG) files this notice of intention to review 1 TAC Chapter 66, Family Trust Fund Disbursement Procedures. The review is conducted in accordance with Texas Government Code §2001.039, which requires state agencies to review and consider their administrative rules for re-adoption, re-adoption with amendment, or repeal every four years. The review will include an assessment of whether the reasons for initially adopting the rules continue to exist.

For 30 days following the publication of this notice, the OAG will accept public comments regarding the review. Comments should be directed to Rebecca Foster, Deputy Division Chief, Child Support Legal Services, Child Support Division, Office of the Attorney General, (physical address) 5500 East Oltorf, Austin, Texas, 78741 or (mailing address) P.O. Box 12017, Mail Code 044, Austin, Texas 78711-2017, [Rebecca.Foster@oag.texas.gov](mailto:Rebecca.Foster@oag.texas.gov).

Any proposed changes to these rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption or repeal by the OAG.

TRD-202004972

Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: November 23, 2020



### Texas Board of Nursing

#### Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) files this notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapters contained in Title 22, Part 11, of the Texas Administrative Code, pursuant to the 2019 rule review plan adopted by the Board at its July 2018 meeting.

Chapter 213. Practice and Procedure, §§213.1 - 213.35

Chapter 216. Continuing Competency, §§216.1- 216.11

Chapter 221. Advanced Practice Nurses, §§221.1 - 221.17

In conducting its review, the Board will assess whether the reasons for originally adopting these chapters continue to exist. Each section of these chapters will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations and current procedures and practices of the Board, and whether it is in compliance with Chapter 2001 of the Government Code (Administrative Procedure Act). In addition to this Rule Review, the Board has separately proposed editorial amendments to 22 Tex. Admin. Code §213.1, relating to Definitions, and §213.20, relating to Informal Proceedings and Alternative Dispute Resolution (ADR).

The public has thirty (30) days from the publication of this rule review in the *Texas Register* to comment and submit any response or suggestions. Written comments may be submitted to John Vanderford, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701, by email to [john.vanderford@bon.texas.gov](mailto:john.vanderford@bon.texas.gov) or by fax to John Vanderford at (512) 305-8101. Any proposed changes to these chapters as a result of this review will be published separately in the Proposed Rules section of the *Texas Register* and will be open for an additional comment period prior to the final adoption or repeal by the Board.

TRD-202005029  
John Vanderford  
Assistant General Counsel  
Texas Board of Nursing  
Filed: November 30, 2020



Texas State Board of Pharmacy

**Title 22, Part 15**

The Texas State Board of Pharmacy files this notice of intent to review Chapter 291 (§§291.120 - 291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133), concerning Pharmacies (Services Provided by Pharmacies), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist may be submitted to Megan G. Holloway, Deputy General Counsel, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-500, Austin, Texas, 78701, FAX (512) 305-8061. Comments must be received by 5:00 p.m., January 26, 2021.

TRD-202004961  
Allison Vordenbaumen Benz, R.Ph., M.S.  
Executive Director  
Texas State Board of Pharmacy  
Filed: November 23, 2020



The Texas State Board of Pharmacy files this notice of intent to review Chapter 291, (§§291.151, 291.153), concerning Pharmacies (Other Classes of Pharmacy), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist may be submitted to Megan G. Holloway, Deputy General Counsel, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-500, Austin, Texas, 78701, FAX (512) 305-8061. Comments must be received by 5:00 p.m., January 26, 2021.

TRD-202004962  
Allison Vordenbaumen Benz, R.Ph., M.S.  
Executive Director  
Texas State Board of Pharmacy  
Filed: November 23, 2020



The Texas State Board of Pharmacy files this notice of intent to review Chapter 297 (§§297.1 - 297.11), concerning Pharmacy Technicians and Pharmacy Technician Trainees, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Megan G. Holloway, Deputy General Counsel, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-500, Austin, Texas, 78701, FAX (512) 305-8061. Comments must be received by 5:00 p.m., January 26, 2021.

TRD-202004963  
Allison Vordenbaumen Benz, R.Ph., M.S.  
Executive Director  
Texas State Board of Pharmacy  
Filed: November 23, 2020



Texas Veterans Commission

**Title 40, Part 15**

The Texas Veterans Commission (Commission) files this notice of intent to review 40 TAC Chapter 460, relating to Fund for Veterans' Assistance Program. This rule review will be conducted pursuant to Texas Government Code, §2001.039, which requires state agencies to review and consider their administrative rules for readoption, amendment, or

repeal every four years. The review will include an assessment by the Commission of whether the reasons for initially adopting the following rules continue to exist:

Chapter 460. Fund for Veterans' Assistance Program

The Commission will accept comments for 30 days following the publication of this notice in the *Texas Register*. Comments pertaining to this rule review may be submitted in writing to Madeleine Connor, General Counsel, Texas Veterans Commission, P.O. Box 12277, Austin, Texas 78711-2277, or faxed to (512) 463-3288, or emailed to [rulemaking@tvc.texas.gov](mailto:rulemaking@tvc.texas.gov).

During the review process, the Commission may determine that a specific rule may need to be amended to further refine the Commission's legal and policy considerations; whether a rule reflects current Commission procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed changes to this chapter or subchapters as a result of this review will be published in the "Proposed Rules" section of the *Texas Register* and will be open for an additional 30-day public comment period prior to adoption by the Commission.

TRD-202004978  
Madeleine Connor  
General Counsel  
Texas Veterans Commission  
Filed: November 23, 2020



**Adopted Rule Reviews**

Office of the Attorney General

**Title 1, Part 3**

Chapter 57

The Office of the Attorney General (OAG) has completed its rule review of 1 TAC Chapter 57, Outside Counsel Contracts. The proposed notice of intent to review rules was published in the September 25, 2020, issue of the *Texas Register* (45 TexReg 6771).

The OAG has assessed whether the reasons for adopting these rules continue to exist. The OAG received no comments regarding this review.

As a result of this review, the OAG finds that the reasons for adopting the rules in Chapter 57 continue to exist, and this chapter is readopted in accordance with the requirements of Texas Government Code §2001.039.

Chapter 58

The Office of the Attorney General (OAG) has completed its rule review of 1 TAC Chapter 58, Legal Sufficiency Review of Comprehensive Development Agreements. The proposed notice of intent to review rules was published in the September 25, 2020, issue of the *Texas Register* (45 TexReg 6771).

The OAG has assessed whether the reasons for adopting these rules continue to exist. The OAG received no comments regarding this review.

As a result of this review, the OAG finds that the reasons for adopting the rules in Chapter 58 continue to exist, and this chapter is readopted in accordance with the requirements of Texas Government Code §2001.039.

Chapter 68

The Office of the Attorney General (OAG) has completed its rule review of 1 TAC Chapter 68, Negotiation and Mediation of Certain Contract Disputes. The proposed notice of intent to review rules was published in the September 25, 2020, issue of the *Texas Register* (45 TexReg 6771).

The OAG has assessed whether the reasons for adopting these rules continue to exist. The OAG received no comments regarding this review.

As a result of this review, the OAG finds that the reasons for adopting the rules in Chapter 68 continue to exist, and this chapter is read-

opted in accordance with the requirements of Texas Government Code §2001.039.

TRD-202004971

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: November 23, 2020

