

EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 1. ADMINISTRATION

PART 4. OFFICE OF THE SECRETARY OF STATE

CHAPTER 107. REGISTRATION OF VISION SUPPORT ORGANIZATIONS

SUBCHAPTER A. DEFINITIONS

1 TAC §107.1

The Office of the Secretary of State (Office) adopts, on an emergency basis, new Chapter 107, Subchapter A, Definitions, §107.1, concerning registration of vision support organizations (VSOs) with the Office.

The Office is adopting these emergency rules to implement the new VSO registration requirements under the provisions of Senate Bill 820, enacted by the 88th Legislature, Regular Session, codified at Chapter 74 of the Texas Business and Commerce Code (SB 820).

In accordance with Texas Government Code §2001.034, the emergency rules will be in effect for up to 120 days and may be renewed once for not longer than 60 days. During this time, the Office intends to propose these rules or similar rules for adoption on a permanent basis under the standard rulemaking process and will consider any additional action necessary in the event unforeseen issues arise with the adopted emergency rules.

BACKGROUND AND JUSTIFICATION FOR THE EMERGENCY RULEMAKING

The emergency rules implement SB 820 (88th Legislature, Regular Session), which establishes a required occupational registration for VSOs in Chapter 74 of the Texas Business and Commerce Code. The bill took effect on September 1, 2023.

As enacted by SB 820, Texas Business and Commerce Code §74.002 requires a VSO (as defined in Texas Business and Commerce Code §74.001(3)) to register annually with the Office. Texas Business and Commerce Code §74.004(a) identifies the information that must be included in the VSO's registration filed with the Office. Texas Business and Commerce Code §74.004(b) specifies that a registration and each corrected registration must be accompanied by a fee in an amount set by the Office.

Section 2 of SB 820 provides that, notwithstanding Texas Business and Commerce Code §74.002, a VSO is not required to register under §74.002 before February 1, 2024.

The purpose of these emergency rules under Chapter 107 (Registration of Vision Support Organizations) is to provide informa-

tion regarding the procedures for VSO registration with the Office, in accordance with SB 820.

Pursuant to Texas Government Code §2001.034, the new rules are adopted on an emergency basis and with an expedited effective date because state law requires adoption of these rules on fewer than 30 days' notice.

SECTION-BY-SECTION SUMMARY

Subchapter A contains new §107.1, which defines terms used within Chapter 107.

STATUTORY AUTHORITY

The emergency rules are adopted under Texas Government Code §2001.034, which authorizes a state agency to adopt emergency rules without prior notice or hearing if the agency finds that a requirement of state law requires adoption of a rule on fewer than 30 days' notice.

The statutory provisions affected by the emergency rules are those set forth in Chapter 74 of the Texas Business and Commerce Code, as added by SB 820. No other statute, code, or article is affected by the emergency rules.

§107.1. Definitions.

Words and terms defined in Chapter 74 of the Business and Commerce Code shall have the same meaning in this chapter. In addition, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Non-optometrist owner--A person, including a corporation, association, general partnership, limited partnership, limited liability company, limited liability partnership, other legal entity, or sole proprietorship, who is not a licensed optometrist but maintains 5% or more ownership in a vision support organization.

(2) Professional entity--A professional corporation, professional limited liability company, professional association, general partnership that provides a professional service, or limited partnership that provides a professional service.

(3) Secretary--The Texas Secretary of State.

(4) Vision support agreement--One or more agreements under which a vision support organization provides two or more business support services to an optometrist.

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

Filed with the Office of the Secretary of State on January 31, 2024.

TRD-202400363

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**SUBCHAPTER B. REGISTRATION
AND RENEWAL OF VISION SUPPORT
ORGANIZATIONS**

1 TAC §107.2, §107.3

The Office of the Secretary of State (Office) adopts, on an emergency basis, new Chapter 107, Subchapter B, Registration and Renewal of Vision Support Organizations, §107.2 and §107.3, concerning registration of vision support organizations (VSOs) with the Office.

The Office is adopting these emergency rules to implement the new VSO registration requirements under the provisions of Senate Bill 820, enacted by the 88th Legislature, Regular Session, codified at Chapter 74 of the Texas Business and Commerce Code (SB 820).

In accordance with Texas Government Code §2001.034, the emergency rules will be in effect for up to 120 days and may be renewed once for not longer than 60 days. During this time, the Office intends to propose these rules or similar rules for adoption on a permanent basis under the standard rulemaking process and will consider any additional action necessary in the event unforeseen issues arise with the adopted emergency rules.

BACKGROUND AND JUSTIFICATION FOR THE EMERGENCY RULEMAKING

The emergency rules implement SB 820 (88th Legislature, Regular Session), which establishes a required occupational registration for VSOs in Chapter 74 of the Texas Business and Commerce Code. The bill took effect on September 1, 2023.

As enacted by SB 820, Texas Business and Commerce Code §74.002 requires a VSO (as defined in Texas Business and Commerce Code §74.001(3)) to register annually with the Office. Texas Business and Commerce Code §74.004(a) identifies the information that must be included in the VSO's registration filed with the Office. Texas Business and Commerce Code §74.004(b) specifies that a registration and each corrected registration must be accompanied by a fee in an amount set by the Office.

Section 2 of SB 820 provides that, notwithstanding Texas Business and Commerce Code §74.002, a VSO is not required to register under §74.002 before February 1, 2024.

The purpose of these emergency rules under Chapter 107 (Registration of Vision Support Organizations) is to provide information regarding the procedures for VSO registration with the Office, in accordance with SB 820.

Pursuant to Texas Government Code §2001.034, the new rules are adopted on an emergency basis and with an expedited effective date because state law requires adoption of these rules on fewer than 30 days' notice.

SECTION-BY-SECTION SUMMARY

Subchapter B contains general provisions relating to the filing of a VSO initial registration and renewal registration as well as the timing of such registrations. New §107.2 specifies the procedures for a VSO to register with the Office, or to renew an existing registration, as required by Texas Business and Commerce Code §74.004. New §107.3 provides that a registration of a VSO expires on December 31 of each year and must be renewed annually. The section also designates the time period for a registered VSO to submit a renewal registration and a new VSO to register after executing a vision support agreement (as defined in new §107.1).

STATUTORY AUTHORITY

The emergency rules are adopted under Texas Government Code §2001.034, which authorizes a state agency to adopt emergency rules without prior notice or hearing if the agency finds that a requirement of state law requires adoption of a rule on fewer than 30 days' notice.

The statutory provisions affected by the emergency rules are those set forth in Chapter 74 of the Texas Business and Commerce Code, as added by SB 820. No other statute, code, or article is affected by the emergency rules.

§107.2. Registration and Renewal of Vision Support Organizations.

(a) A complete initial registration or renewal registration is comprised of:

(1) A completed registration form that is signed by a person authorized to act by or on behalf of the vision support organization, in the form promulgated by the secretary (See Form 4101); and

(2) Payment of the filing fee stated in §107.5 of this chapter (relating to Filing Fees).

(b) A registration statement or renewal application must comply with Business and Commerce Code §74.004, and also provide:

(1) For the vision support organization:

(A) The legal name;

(B) The business address and mailing address, if different; and

(C) A contact name, email address, and phone number.

(2) For each optometrist and each entity that employs or contracts with an optometrist to provide eye care services in this state with which the vision support organization has entered into an agreement to provide two or more business support services:

(A) The legal name and business address of each optometrist and each such entity, as applicable;

(B) If the optometrist provides eye care services through a professional entity, the legal name of the professional entity; and

(C) A disclosure of all business support services provided to each optometrist or each entity that employs or contracts with an optometrist to provide eye care services.

(3) For each optometrist who owns any portion of the vision support organization and for each non-optometrist owner who owns 5% or more of the vision support organization:

(A) The legal name and business address of the owner; and

(B) Whether the owner is an optometrist or a non-optometrist owner.

§107.3. Timing of Registration.

(a) Registrations will expire annually on December 31 of each year.

(b) A vision support organization seeking to renew an existing registration must file a renewal registration. Renewals may be submitted from ninety (90) days prior to expiration until January 31 of the year for which the next registration will be effective by submitting a completed registration form and paying the filing fee, except as provided in subsection (c) of this section.

(c) In the event a vision support organization is required to register under Chapter 74 of the Business and Commerce Code after January 31, the vision support organization must file an initial registration within ninety (90) days after the date of execution of a vision support agreement.

(d) The initial registration for a vision support organization that has entered into a vision support agreement prior to February 1, 2024, must be filed not later than January 31, 2025.

(e) The initial registration for a vision support organization that first enters into a vision support agreement on or after February 1, 2024, must be filed not later than the ninetieth (90th) day after the date the agreement is executed.

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

Filed with the Office of the Secretary of State on January 31, 2024.

TRD-202400365

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Effective date: January 31, 2024

Expiration date: May 29, 2024

For further information, please call: (512) 475-2813



SUBCHAPTER C. STATEMENT OF CORRECTION

1 TAC §107.4

The Office of the Secretary of State (SOS) adopts, on an emergency basis, new Chapter 107, Subchapter C, Statement of Correction, §107.4, concerning registration of vision support organizations (VSOs) with the Office.

The Office is adopting these emergency rules to implement the new VSO registration requirements under the provisions of Senate Bill 820, enacted by the 88th Legislature, Regular Session, codified at Chapter 74 of the Texas Business and Commerce Code (SB 820).

In accordance with Texas Government Code §2001.034, the emergency rules will be in effect for up to 120 days and may be renewed once for not longer than 60 days. During this time, the Office intends to propose these rules or similar rules for adoption on a permanent basis under the standard rulemaking process and will consider any additional action necessary in the event unforeseen issues arise with the adopted emergency rules.

BACKGROUND AND JUSTIFICATION FOR THE EMERGENCY RULEMAKING

The emergency rules implement SB 820 (88th Legislature, Regular Session), which establishes a required occupational registration for VSOs in Chapter 74 of the Texas Business and Commerce Code. The bill took effect on September 1, 2023.

As enacted by SB 820, Texas Business and Commerce Code §74.002 requires a VSO (as defined in Texas Business and Commerce Code §74.001(3)) to register annually with the Office. Texas Business and Commerce Code §74.004(a) identifies the information that must be included in the VSO's registration filed with the Office. Texas Business and Commerce Code §74.004(b) specifies that a registration and each corrected registration must be accompanied by a fee in an amount set by the Office.

Section 2 of SB 820 provides that, notwithstanding Texas Business and Commerce Code §74.002, a VSO is not required to register under §74.002 before February 1, 2024.

The purpose of these emergency rules under Chapter 107 (Registration of Vision Support Organizations) is to provide information regarding the procedures for VSO registration with the Office, in accordance with SB 820.

Pursuant to Texas Government Code §2001.034, the new rules are adopted on an emergency basis and with an expedited effective date because state law requires adoption of these rules on fewer than 30 days' notice.

SECTION-BY-SECTION SUMMARY

Subchapter C contains new §107.4, which establishes the procedures and time periods for a VSO to submit a corrected registration.

STATUTORY AUTHORITY

The emergency rule is adopted under Texas Government Code §2001.034, which authorizes a state agency to adopt emergency rules without prior notice or hearing if the agency finds that a requirement of state law requires adoption of a rule on fewer than 30 days' notice.

The statutory provisions affected by the emergency rule is those set forth in Chapter 74 of the Texas Business and Commerce Code, as added by SB 820. No other statute, code, or article is affected by the emergency rule.

§107.4. Corrections.

(a) A vision support organization must submit a statement of correction semiannually if, during that period, any information provided in the initial registration or renewal registration, as applicable, changes.

(b) A statement of correction must include the following information:

(1) The legal name of the vision support organization;

(2) The date of the last filed registration;

(3) The registration number assigned by the secretary to the vision support organization; and

(4) A statement identifying the information that has changed.

(c) A vision support organization that is required to submit a statement of correction in accordance with subsection (a) of this section shall do so according to the following schedule:

(1) First half (January 1 - June 30) - Statement of correction due not later than the forty-fifth (45th) day after June 30.

(2) Second half (July 1 - December 31) - Statement of correction due not later than the forty-fifth (45th) day after December 31.

(d) The statement of correction must be signed by a person authorized to act by or on behalf of the vision support organization.

(e) The statement of correction must be accompanied by the filing fee stated in §107.5 of this chapter (relating to Filing Fees).

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

Filed with the Office of the Secretary of State on January 31, 2024.

TRD-202400367

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Effective date: January 31, 2024

Expiration date: May 29, 2024

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SUBCHAPTER D. FILING FEES

1 TAC §107.5

The Office of the Secretary of State (SOS) adopts, on an emergency basis, new Chapter 107, Subchapter D, Filing Fees, §107.5, concerning registration of vision support organizations (VSOs) with the Office.

The Office is adopting these emergency rules to implement the new VSO registration requirements under the provisions of Senate Bill 820, enacted by the 88th Legislature, Regular Session, codified at Chapter 74 of the Texas Business and Commerce Code (SB 820).

In accordance with Texas Government Code §2001.034, the emergency rules will be in effect for up to 120 days and may be renewed once for not longer than 60 days. During this time, the Office intends to propose these rules or similar rules for adoption on a permanent basis under the standard rulemaking process and will consider any additional action necessary in the event unforeseen issues arise with the adopted emergency rules.

BACKGROUND AND JUSTIFICATION FOR THE EMERGENCY RULEMAKING

The emergency rules implement SB 820 (88th Legislature, Regular Session), which establishes a required occupational registration for VSOs in Chapter 74 of the Texas Business and Commerce Code. The bill took effect on September 1, 2023.

As enacted by SB 820, Texas Business and Commerce Code §74.002 requires a VSO (as defined in Texas Business and Commerce Code §74.001(3)) to register annually with the Office. Texas Business and Commerce Code §74.004(a) identifies the information that must be included in the VSO's registration filed with the Office. Texas Business and Commerce Code §74.004(b) specifies that a registration and each corrected registration must be accompanied by a fee in an amount set by the Office.

Section 2 of SB 820 provides that, notwithstanding Texas Business and Commerce Code §74.002, a VSO is not required to register under §74.002 before February 1, 2024.

The purpose of these emergency rules under Chapter 107 (Registration of Vision Support Organizations) is to provide information regarding the procedures for VSO registration with the Office, in accordance with SB 820.

Pursuant to Texas Government Code §2001.034, the new rules are adopted on an emergency basis and with an expedited effective date because state law requires adoption of these rules on fewer than 30 days' notice.

SECTION-BY-SECTION SUMMARY

Subchapter D contains new §107.5, which sets forth the required fees under Chapter 74 of the Texas Business and Commerce Code.

STATUTORY AUTHORITY

The emergency rule is adopted under Texas Business and Commerce Code §74.004(b) and Texas Government Code §2001.034. Texas Business and Commerce Code §74.004(b) directs the Office to set the fee, which must accompany the relevant VSO filings with the Office, in an amount necessary to recover the costs of administering Chapter 74 of the Texas Business and Commerce Code. Texas Government Code §2001.034 authorizes a state agency to adopt emergency rules without prior notice or hearing if the agency finds that a requirement of state law requires adoption of a rule on fewer than 30 days' notice.

The statutory provisions affected by the emergency rules are those set forth in Chapter 74 of the Texas Business and Commerce Code, as added by SB 820. No other statute, code, or article is affected by the emergency rules.

§107.5. Filing Fees.

(a) The filing fee for an initial registration or a renewal registration is \$150.

(b) The filing fee for a statement of correction is \$50.

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

Filed with the Office of the Secretary of State on January 31, 2024.

TRD-202400372

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Effective date: January 31, 2024

Expiration date: May 29, 2024

For further information, please call: (512) 475-2813



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 100. CHARTERS

SUBCHAPTER AA. COMMISSIONER'S
RULES CONCERNING OPEN-ENROLLMENT
CHARTER SCHOOLS
DIVISION 1. GENERAL PROVISIONS

19 TAC §100.1020

The Texas Education Agency (TEA) adopts on an emergency basis new §100.1020, concerning determination of academic accountability. The new section implements the requirements of Texas Education Code (TEC), §12.1141, Renewal of Charter; Denial of Renewal; Expiration, which requires the commissioner to adopt a procedure for renewal, denial of renewal, or expiration of a charter for an open-enrollment charter school at the end of the term of the charter; and TEC, §12.114, Revision, which requires the commissioner to provide to the charter holder written notice of approval or disapproval of an expansion amendment not later than the 60th day after the date that a charter holder submits a completed request for approval for an expansion amendment.

The new section is adopted on an emergency basis to take effect immediately. As a result of a court order enjoining the commissioner of education from issuing A-F academic accountability ratings for the 2022-2023 school year, TEA, pursuant to Texas Government Code, §2001.034, is adopting this emergency rule on fewer than 30 days' notice in order to comply with requirements of state law found in TEC, Chapter 12, and its associated rules.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §12.114, which requires the com-

missioner to provide to the charter holder written notice of approval or disapproval of an expansion amendment not later than the 60th day after the date that a charter holder submits a completed request for approval for an expansion amendment; and §12.1141, which requires the commissioner to adopt a procedure for renewal, denial of renewal, or expiration of a charter for an open-enrollment charter school at the end of the term of the charter.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §12.114 and 12.1141.

§100.1020. Determination of Academic Accountability.
If academic ratings are not issued for any reason, scaled scores may be used to determine "academically acceptable" and "academically unacceptable" performance.

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

Filed with the Office of the Secretary of State on February 5, 2024.

TRD-202400421

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Effective date: February 5, 2024

Expiration date: June 3, 2024

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