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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 March 3, 2025

Appointed to the Business Advisory Council to the Texas Division of Emergency Management for a term to expire February 1, 2029, Aaron J. Negherbon of McKinney, Texas (Mr. Negherbon is being reappointed).

Appointed to the Business Advisory Council to the Texas Division of Emergency Management for a term to expire February 1, 2029, Patricia A. Rigney of Edinburg, Texas (Ms. Rigney is being reappointed).

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2026, Juan Carlos Lopez of Edinburg, Texas (replacing Richard Martinez of San Antonio, whose term expired).

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2027, Ellen M. Bauman of Joshua, Texas (Ms. Bauman is being reappointed).

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2027, Ronald W. "Ronnie" Browning of Spring, Texas (replacing Eric N. Lindsay of San Antonio, whose term expired).

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2027, Chelsea L. Elliott of Austin, Texas (replacing Lauren C. Taylor of Denton, whose term expired).

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2027, Neva M. Fairchild of Flower Mound, Texas (Ms. Fairchild is being reappointed).

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2027, Kristie L. Orr, Ph.D. of College Station, Texas (Dr. Orr is being reappointed).

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2027, Lisa M. Treleaven, Ed.D. of Montgomery, Texas (replacing Elyse L. Lieberman, Ph.D. of Victoria, whose term expired).

Designating Ellen M. Bauman of Joshua as presiding officer of the Governor's Committee on People with Disabilities for a term to expire at the pleasure of the Governor. (Ms. Bauman is replacing Richard Martinez of San Antonio as presiding officer.)

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2031, Edward Baffoe of Forney, Texas (replacing Maverick L. Crawford, III of San Antonio, whose term expired).

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2031, Andrew D. "Andy" Crim of Fort Worth, Texas (Mr. Crim is being reappointed).

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2031, Abigail G. "Abby" Maddux of North

Richland Hills, Texas (replacing Lara L. Taylor of Katy, whose term expired).

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2031, Wendy Maurer of Conroe, Texas (replacing Kimberly S. "Kim" Torres of Houston, whose term expired).

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2031, Ashley K. Sattler of Beaumont, Texas (replacing Michael J. Peace of Poteet, whose term expired).

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2031, Eric J. Shahid of Somerville, Texas (Mr. Shahid is being reappointed).

Appointed as Compact Administrator and Commissioner to the Interstate Compact for Juveniles for a term to expire at the pleasure of the Governor, Evan S. Norton, Psy.D. of Austin, Texas (replacing Louis A. "Lou" Serrano, IV of Austin).

Promoted to the rank of Brigadier General in Headquarters, Texas State Guard, Austin, Texas, with all rights, privileges and emoluments appertaining to this office, effective immediately, John W. Muirhead.

Promoted to the rank of Brigadier General in Headquarters, Texas State Guard, Austin, Texas, with all rights, privileges and emoluments appertaining to this office, effective immediately, Stephen D. Thomas.

Greg Abbott, Governor

TRD-202500810



Proclamation 41-4171

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on October 14, 2024, as amended and renewed in subsequent proclamations, certifying that elevated fire weather conditions pose an imminent threat of widespread or severe damage, injury, or loss of life or property in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same elevated fire weather conditions persist in certain counties in Texas;

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 Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, El Paso, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone,

Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harris, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala 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 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 4th day of March, 2025.

Greg Abbott, Governor

TRD-202500794



THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0583-KP

Requestor:

Ms. Shandra Carter

Executive Director

Texas Juvenile Justice Department

Post Office Box 12757

Austin, Texas 78701

Re: Office of Independent Ombudsman authority to interview youth and inspect facilities under Chapter 261 of the Human Resources Code (RQ-0583-KP)

Briefs requested by March 28, 2025

RQ-0584-KP

Requestor:

The Honorable Joe Gonzales

Bexar County Criminal District Attorney

101 West Nueva

San Antonio, Texas 78205

Re: Legality of an automated traffic-enforcement system for speeding citations

(RQ-0584-KP)

Briefs requested by March 31, 2025

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202500789

Justin Gordon

General Counsel

Office of the Attorney General

Filed: March 4, 2025

Opinions

Opinion No. KP-0484

The Honorable Brian Birdwell

Chair, Senate Committee on Natural Resources

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Authority of the Texas Ethics Commission to toll its obligation under Government Code § 571.1242(g) in circumstances beyond litigation (RQ-0568-KP)

S U M M A R Y

Subsection 571.1242(g) of the Government Code unambiguously imposes a jurisdictional deadline by which the Texas Ethics Commission must take specified action on a complaint. Subsection 571.1244(2), on the other hand, concerns procedures for preliminary reviews and unambiguously pertains to procedural deadlines—not the Commission's jurisdiction. This is likewise confirmed by the general objectives of the Commission's enabling framework, which aims to streamline the complaint process such that the Commission's failure to timely resolve claims during preliminary review results in a loss of jurisdiction over the underlying allegations. As such, the Commission may not toll its jurisdictional deadline outside of litigation.

Rules that provide otherwise are facially invalid insofar as they conflict with both the plain text and general objectives of the Commission's enabling framework.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202500790

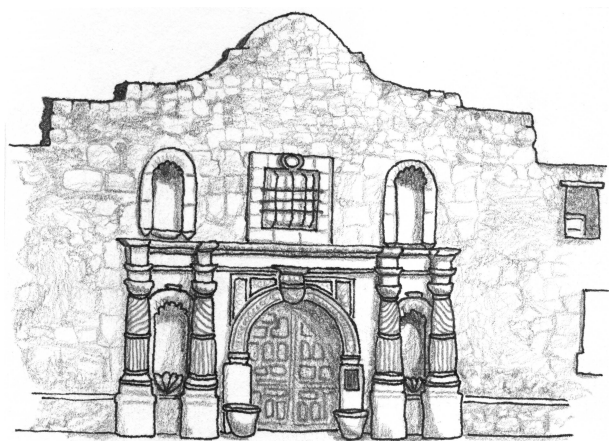
Justin Gordon

General Counsel

Office of the Attorney General

Filed: March 4, 2025





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 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 51. ENTRY REQUIREMENTS

4 TAC §51.1, §51.4

The Texas Animal Health Commission (Commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 51 titled "Entry Requirements." Specifically, the Commission proposes amendments to §51.1 regarding Definitions and §51.4 regarding Shows, Fairs, and Exhibitions.

BACKGROUND AND PURPOSE

A member of the public petitioned the Commission for a rule change to modify the requirements for Texas origin animals entering Texas exhibition events. The petitioner explained that the current regulations made it expensive for youth competitors to participate in small family-run or 4H/FFA volunteer shows because of the cost of obtaining a certificate of veterinary inspection (CVI) for each show when out-of-state animals are present.

The petitioner requested that the Commission consider removing the requirement that Texas origin animals obtain a CVI for each exhibition.

According to the petitioner, many exhibitors are unable to obtain CVIs for multiple shows due to the cost, only allowing wealthy exhibitors to attend multiple shows, causing a disadvantage to some youth exhibitors. Elimination of the requirement would help level the playing field for all youth competitors.

The petitioner also pointed out that the current rule requires show sponsors to bar out-of-state participants for Texas only shows if they want to eliminate the requirement for Texas participants to have CVIs, resulting in loss revenue from out-of-state participants. The petitioner noted that out-of-state participants provide additional income to local businesses, particularly restaurants, hotels, gas stations, and feed/tack supply stores.

Currently, Commission rules distinguish between interstate shows and intrastate shows and have different entry requirements for each. The Commission considers shows, fairs, and exhibitions to be interstate if they permit livestock and poultry from other states to enter for show or exhibition and be held or exhibited in common facilities with Texas origin livestock and poultry of the same species. For interstate shows all animals must meet the out-of-state entry requirements which includes obtaining a CVI. The Commission considers shows, fairs, or exhibitions to be intrastate if they only allow Texas animals to enter or if they require Texas livestock and poultry of the same species to be housed and exhibited separately from livestock

and poultry from out of state. For intrastate exhibitions, CVIs are not generally required.

Any time animals congregate from multiple premises there is an increased risk of disease transmission. The purpose of the entry requirements for shows, fairs, and exhibitions is to reduce the risk of disease transmission and ensure the Commission can perform a disease investigation if needed.

In reviewing the petition, staff at the Commission looked at the overall risk of disease transmission from Texas origin animals and at alternative ways a disease investigation could be conducted. Staff concluded that disease risk was not appreciably higher for interstate shows as long as out-of-state origin animals meet the Texas entry requirements. Staff also concluded that a disease investigation could be accomplished by obtaining information about participants from the show sponsor. Because sponsors typically gather information regarding the animals during the registration process, such as owner information, species, breed, sex, and age, it should not cause unreasonable burden on show sponsors. Commission staff found this recordkeeping would eliminate the need for CVIs for Texas origin animals.

After consideration of the petition, the Commission proposes amendments to the rules that will add a recordkeeping requirement for sponsors of shows, eliminate the distinction between interstate and intrastate shows, maintain entry requirements for out-of-state participants, and eliminate the need for Texas participants to meet the same standards of out-of-state participation. These proposed changes will reduce the barriers for entry to shows, fairs, and exhibitions for Texas participants. Entry requirements for out-of-state participants cannot be reduced further without conflicting with existing federal requirements.

SECTION-BY-SECTION DISCUSSION

Section 51.1 removes the definition of "interstate show" and adds a definition for "official identification."

Section 51.4 sets forth the requirements for entry requirements for shows, fairs, and exhibitions. The proposed amendments add a recordkeeping requirement for sponsors of shows, eliminate the distinction between interstate and intrastate shows, maintain entry requirements for out-of-state participants, and eliminate the need for Texas participants to meet the same standards of out-of-state participation.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Commission, determined that for each year of the first five years that the rule is in effect there will be no additional estimated cost or estimated reductions in costs in enforcing or administering the proposed rules. Commission employees will administer and enforce these rules as part of their current job duties and resources and there is no foreseeable change in resources as a result of these pro-

posed rules. However, this proposed rule may decrease the fees collected on CVIs because the rule change will likely result in fewer issued CVIs.

Under the current rule, both Texas participants and out-of-state participants are required to obtain a CVI to enter shows, fairs, and events in which out-of-state animals are present. Under the proposed changes, Texas participants will no longer need to obtain a CVI to enter the event. The Commission assesses a \$7 fee per CVI. Approximately 18,600 CVIs for Texas origin animals traveling to Texas exhibitions are issued annually. It is anticipated that if the proposed rule changes, CVI for Texas origin animals traveling to Texas exhibitions would likely be reduced by 75%, leading to a reduction in fee revenue by approximately \$97,650 per year.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the rule is in effect, the anticipated public benefits are decreased costs to Texas residents entering livestock shows, fairs, and exhibitions, allowing more Texans to participate in events. These events bring value to local communities and provide an opportunity for Texas youth to learn about animal agriculture and showcase the animals they raise.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed rules would be in effect, the proposed rules:

- Will not create or eliminate a government program;
- Will not require the creation or elimination of employee positions;
- Will result in no assumed change in future legislative appropriations;

Will affect fees paid to the Commission;

Will create new regulation;

Will expand existing regulations;

Will not change the number of individuals subject to the rule; and

Will positively affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed amendments to Chapter 51 do not impose additional costs on regulated persons and are designed to reduce the costs to regulated persons, specifically, eliminate the need for Texas residents participating in shows, fairs, and exhibitions to obtain a CVI for each event. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed amendments may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 51, Entry Requirements" in the subject line.

STATUTORY AUTHORITY

The amendments are authorized by Texas Agriculture Code, Chapter 161.

Pursuant to §161.041, titled "Disease Control", the Commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the Commission determines require control or eradication. Pursuant to §161.041(b) the Commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl. The Commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

Pursuant to §161.043, titled "Regulation of Exhibitions", the Commission may regulate the entry of livestock and may require certification of those animals as reasonably necessary to protect against communicable diseases.

Pursuant to §161.046, titled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.047, titled "Entry Power", a commissioner or veterinarian or inspector employed by the Commission may enter public or private property for the exercise of an authority or performance of a duty under Chapter 161.

Pursuant to §161.048, titled "Inspection of Shipment of Animals or Animal Product", the Commission may require testing, vacci-

nation, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or non-communicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission may by rule regulate the movement of animals, and may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved.

Pursuant to §161.056(a), titled "Animal Identification Program", the Commission, to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program. Section 161.056(d) authorizes the Commission to adopt rules to provide for an animal identification program more stringent than a federal program only for control of a specific animal disease or for animal emergency management.

Pursuant to §161.0601, titled "Certificates of Veterinary Inspection", the Commission by rule may provide for the issuance of certificates of veterinary inspection by a veterinarian to a person transporting livestock, exotic livestock, domestic fowl, or exotic fowl.

Pursuant to §161.081, titled "Importation of Animals", the Commission by rule may provide the method for inspecting and testing animals before and after entry into the state of Texas. The Commission may create rules for the issuance and form of health certificates and entry permits.

No other statutes, articles, or codes are affected by this proposal.

§51.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) - (15) (No change.)

~~{(16) Interstate show--A show, fair, or exhibition that permits livestock and poultry from other states to enter for show or exhibition and be held in common facilities with Texas origin livestock and poultry of the same species.}~~

(16) ~~[(47)]~~ Livestock--Cattle, horses, mules, asses, sheep, goats, and hogs.

(17) Official Identification--The identification of livestock and fowl by means of an official identification device, official cartag, registration tattoo, or registration brand, or any other method approved by the Commission and/or Administrator of the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) that provides unique identification for each animal.

(18) - (23) (No change.)

§51.4. Shows, Fairs and Exhibitions.

(a) Sponsor Recordkeeping

(1) A sponsor must maintain the following records for each animal entered into a show, fair, or exhibition:

(A) owner's name and contact information, including address;

(B) county of origin;

(C) a description of the animal including sex, age, and breed, and, if applicable, official identification, validation information, tag numbers, tattoos, brands, and registration;

(D) information regarding the stall or pen that the animal was kept during the event, if applicable; and

(E) the buyer's name and contact information, including address, if the animal is sold at the show, fair, or exhibition.

(2) A sponsor must maintain records for one year after the date of the event.

(3) The sponsor must provide the records to Commission personnel upon request.

(b) Requirements for out-of-state origin animals.

(1) Cattle

(A) Certificate of Veterinary Inspection. All out-of-state origin cattle must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin cattle of any age must be identified using official identification regardless of age or breed.

(C) Permit Requirements. Out-of-state origin cattle must meet the permit requirements contained in §51.8 of this title (relating to Cattle).

(D) Testing Requirements. Out-of-state origin cattle must meet the testing requirements contained in §51.8 of this title.

(E) Vaccination Requirements. Out-of-state origin cattle must meet the brucellosis vaccination requirements contained in §35.4 of this title (relating to Entry, Movement, and Change of Ownership).

(2) Equine

(A) Certificate of Veterinary Inspection. All out-of-state origin equine must have one of the following: a valid Certificate of Veterinary Inspection (CVI); a valid equine interstate passport; or a valid equine identification card.

(B) Testing Requirements.

(i) Equine Infectious Anemia (EIA). All out-of-state origin equine must have one of the following: proof of a negative result to an official Equine Infection Anemia (EIA) test within the previous 12 month if travelling on a Certificate of Veterinary Inspection (CVI); a valid equine interstate passport; or equine identification card.

(ii) Piroplasmiasis. Equine entering a racetrack facility must meet the Piroplasmiasis requirements for testing in §49.5 of this title (relating to Piroplasmiasis: Testing, Identification of Infected Equine).

(3) Exotic Livestock and Fowl

(A) Certificate of Veterinary Inspection. All out-of-state origin exotic livestock and fowl must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin exotic Cervidae, Bovidae, Swine, and Ratites must be identified using official identification.

(C) Permit Requirements. Out-of-state origin exotic livestock and fowl must meet the permit requirements contained in §51.9 of this title (relating to Exotic Livestock and Fowl).

(D) Testing Requirements. Out-of-state origin exotic livestock and fowl must meet the testing requirements contained in §51.9 of this title.

(E) Sale of Exhibition Exotic Fowl. All out-of-state sellers of live exotic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(4) Goats

(A) Certificate of Veterinary Inspection. All out-of-state origin goats must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. Unless excepted, all out-of-state origin goats are required to be identified using official identification.

(C) Permit Requirements. Out-of-state origin goats must meet the permit requirements contained in §51.11 and §51.12 of this title (relating to Goats and relating to Sheep).

(D) Testing Requirements. Out-of-State origin goats must meet the testing requirements contained in §51.11 and §51.12 of this title.

(5) Poultry and Domestic Fowl

(A) Certificate of Veterinary Inspection. All out-of-state origin poultry and domestic fowl entering Texas to be exhibited must have a valid Certificate of Veterinary Inspection (CVI).

(B) Permit Requirements. All poultry and domestic fowl entering Texas to be exhibited must have an entry permit issued by the Commission.

(C) Testing Requirements. All out-of-state origin poultry must meet the testing requirements contained in §51.15 and §57.11 of this title (relating to Poultry and relating to General Requirements).

(D) Sale of Exhibition Poultry and Domestic Fowl. All out-of-state sellers of live poultry and domestic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(6) Sheep

(A) Certificate of Veterinary Inspection. All out-of-state origin sheep must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin sheep are required to be identified using official identification.

(C) Permit Requirements. Out-of-state origin sheep must meet the permit requirements contained in §51.12 of this title.

(D) Testing Requirements. Out-of-State origin sheep must meet the testing requirements contained in §51.12 of this title.

(7) Swine

(A) Certificate of Veterinary Inspection. All out-of-state origin swine must have a valid Certificate of Veterinary Inspection (CVI) that includes the certifications required by §51.14(a) of this title (relating to Swine).

(B) Official Identification. All out-of-state origin swine are required to be identified using official identification.

(C) Testing Requirements. All out-of-state origin swine must meet testing requirements contained in §51.14 of this title.

(D) Vaccination Requirements. All out-of-state origin breeding swine (sexually intact swine, 6 months of age or older) must have a Leptospirosis vaccination within 30 days prior to the event. The vaccine must contain the following strains: Canicola, Hardjo, Icterohaemorrhagiae, Grippotyphosa, and Pomona. Vaccination status should be recorded on the CVI.

(c) Requirements for Texas origin animals.

(1) Cattle

(A) Official Identification. All dairy breed cattle, including steers and spayed heifers, and all breeding bulls 12 months of age or older must be identified using official identification.

(B) Testing Requirements. Texas origin dairy cattle are not required to test for tuberculosis to participate in a show, fair or exhibition within this state.

(C) Sale of Exhibition Bulls. Any Texas origin bulls changing possession at the event must meet the Trichomoniasis testing requirements contained in §38.2 of this title (relating to General Requirements).

(2) Equine

(A) A Certificate of Veterinary Inspection is required for Texas origin entering a parimutuel racetrack.

(B) Testing Requirements.

(i) Equine Infectious Anemia (EIA). All equine must have one of the following: proof of a negative results to an official Equine Infection Anemia (EIA) test within the previous 12 months month if travelling on a Certificate of Veterinary Inspection (CVI); or a valid equine interstate passport; or or equine identification card.

(ii) Piroplasmosis. Equine entering a racetrack facility must meet the Piroplasmosis requirements for testing in §49.5 of this title.

(3) Exotic Livestock and Fowl

(A) Official Identification.

(i) Texas origin Chronic Wasting Disease (CWD) susceptible cervids must be identified using official identification.

(ii) Exhibition ratites offered for sale must be identified using official identification.

(B) Sale of Exhibition Exotic Fowl. All sellers of live exotic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(4) Goats. Unless excepted under §60.2 of this title (relating to Animal Identification and Record Keeping), all Texas origin goats are required to be identified using official identification.

(5) Poultry and Domestic Fowl

(A) Testing Requirements.

(i) Pullorum-Typhoid (PT) Test. Poultry must originate from flocks or hatcheries free of pullorum disease and fowl typhoid or have a negative PT test within 30 days before exhibition.

(ii) Laryngotracheitis (LT) Test. Poultry must originate from areas where LT has not been active in the past 30 days, and

poultry must not have been vaccinated with the modified live chick-embryo origin LT vaccine or the modified live MG- attenuated vaccine.

(B) Sale of Exhibition Poultry and Domestic Fowl. All sellers of live poultry and domestic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(6) Sheep

(A) Official Identification. Unless excepted under §60.2 of this title, all Texas origin sheep are required to be identified using official identification.

(B) Testing Requirements. Texas origin breeding rams may enter shows, fairs, and exhibitions without a test for *Brucella ovis*.

(7) Swine

(A) Official Identification. Texas origin breeding swine changing ownership must be identified using official identification.

(B) Testing Requirements. Prior to change of ownership, all swine must meet testing requirements contained in §55.1(b) of this title (relating to Testing Breeding Swine Prior to Sale or Change of Ownership). Texas origin swine entered in terminal shows are exempt from brucellosis and pseudorabies testing requirements.

[(a) Out-of-state or area origin.]

[(1) Animals entering for exhibition and sale shall be accompanied by a certificate of veterinary inspection and a permit for entry. Livestock entering only for exhibition purposes are required to be accompanied by a certificate of veterinary inspection.]

[(2) Poultry, meaning chickens or turkeys, entered in terminal public exhibition events shall be accompanied by a certificate of source which identifies the flock of origin. Poultry entering in a non-terminal public exhibition shall be accompanied by a certificate of veterinary inspection. The certificate of veterinary inspection shall state that poultry have been inspected and are free from evidence of infectious or contagious diseases; that the poultry have been vaccinated only with approved vaccines, as provided by §57.10(12) of this title, and poultry have not originated from an area that has had an active avian disease, as provided by §45.2 of this title, within thirty days of entry. Poultry entering the state for public exhibition, from other states, must have either a negative flock or individual bird test for Avian Influenza, within thirty days of entry, and the results of such test shall be recorded on or attached to the certificate of veterinary inspection. For poultry the certificate shall also state that they have passed a negative test for pullorum-typhoid within 30 days prior to shipment or that the birds originate from flocks which have met the pullorum-typhoid requirements of the Texas Pullorum-Typhoid Program and/or the National Poultry Improvement Plan.]

[(3) Cattle. Vaccination for brucellosis is not required for cattle from Class Free States. Texas origin dairy cattle are not required by §51.8(b)(3) of this title (relating to Cattle) to test for tuberculosis to participate in a show, fair or exhibition within this state.]

[(4) Equine may enter shows, fairs, exhibitions or assemblies without a certificate of veterinary inspection when accompanied by a valid equine interstate passport or equine identification card and a completed VS Form 10-11 showing negative results to an official EIA test within the previous six months. Horses entering a pari-mutuel track must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection.]

[(b) In-state origin.]

[(1) Equine. Must have had a negative EIA test within the past 12 months if entering a show, fair, exhibition, or assembly. Horses entering a pari-mutuel track must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection. Foals less than eight months of age, as evidenced by the lack of the eruption of the third pair of upper incisors, nursing a negative dam are exempt from testing.]

[(2) Breeding rams. May enter shows, fairs, and exhibitions without a test for *Brucella ovis* if they originate in Texas. (See: §51.12 of this title relating to Entry Requirements for Sheep).]

[(3) Other livestock shall meet the same requirements as for those entering from out-of-state, and be accompanied by a certificate of veterinary inspection when entering shows, fairs, and exhibitions that are determined to be interstate. Texas origin dairy cattle are not required by §51.8(b)(3) of this title to test for tuberculosis to participate in a show, fair or exhibition within this state. Poultry see subsection (a)(2) of this section.]

[(4) Exhibition swine originating in Texas. These swine entered in terminal shows are exempt from brucellosis, and pseudorabies testing requirements.]

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

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Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

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For further information, please call: (512) 839-0511



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 61. SCHOOL DISTRICTS

The Texas Education Agency (TEA) proposes the repeal of §§61.1026, 61.1071, and 61.1073, concerning school district reporting requirements and counseling public school students. The proposed repeal would relocate the existing requirements to proposed new 19 TAC Chapter 78 with no changes to the content of the rules.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 61.1026 requires school districts and open-enrollment charter schools to report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the number of full-time equivalent school counselors at each campus and the availability of expanded learning opportunities. The proposed repeal of §61.1026 would move the existing language to proposed new §78.1001 with no changes to the content of the rule.

Section 61.1071 requires school counselors to provide certain information about higher education to a student and a student's parent or guardian during the first year the student is enrolled in a high school or at the high school level in an open-enrollment charter school and again during the student's senior year. The proposed repeal of §61.1071 would move the existing language

to proposed new §78.2001 with no changes to the content of the rule.

Section 61.1073 implements the statutory requirement for school districts to annually assess compliance with the district policy requiring a school counselor to spend at least 80% of the school counselor's total work time on duties that are components of a counseling program. The proposed repeal of §61.1073 would move the existing language to proposed new §78.1003 with no changes to the content of the rule.

The relocations are necessary due to a comprehensive reorganization of 19 TAC Chapter 61.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and programs, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations to relocate the requirements.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to allow for TEA rules to be reorganized. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 14, 2025, and ends April 14, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 14, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §33.252 and §48.009.

SUBCHAPTER BB. COMMISSIONER'S RULES ON REPORTING REQUIREMENTS

19 TAC §61.1026

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §33.252, which outlines the types of expanded learning opportunities that may be provided by school districts and open-enrollment charter schools and the manner in which expanded learning opportunities may be offered; and TEC, §48.009, which requires the commissioner to by rule require each school district and open-enrollment charter school to report through PEIMS information regarding the availability of school counselors at each campus and the availability of expanded learning opportunities as described by TEC, §33.252.

§61.1026. Statutorily Required Reporting through the Public Education Information Management System.

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

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



SUBCHAPTER GG. COMMISSIONER'S RULES CONCERNING COUNSELING PUBLIC SCHOOL STUDENTS

19 TAC §61.1071, §61.1073

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §33.007, which requires school counselors to provide information about postsecondary education to students and their parents or guardians; TEC, §33.005, which provides that a school counselor shall plan, implement, and evaluate a comprehensive school counseling program that meets the requirements of the section; TEC, §33.006(d), which requires, except as provided by subsection (e) of the section, school districts to adopt a policy that requires a school counselor to spend at least 80% of the school counselor's total work time on duties that are components of a counseling program developed under TEC, §33.005; TEC, §33.006(e), which requires school district boards of trustees that determine

that staffing needs require school counselors to spend less than 80% of their work time on duties that are components of counseling programs developed under TEC, §33.005, to change the policy adopted under subsection (d) of the section to reflect the reasons why counselors need to spend less than 80% of their work time on components of the counseling program, list those non-it hduities, and set the required percentage of work time to be spent on components of the counseling program; and TEC, §33.006(h), which requires each school district to annually assess the district's compliance with the policy adopted under TEC, §33.006(d), and, on request by the commissioner, provide a written copy of the assessment to Texas Education Agency on or before a date specified by the commissioner. This section requires the commissioner to adopt rules to implement these requirements.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §33.007, for §61.1071; and TEC, §33.005 and §33.006, for §61.1073.

§61.1071. Counseling Public School Students Regarding Higher Education.

§61.1073. Annual Assessment of School District Compliance.

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

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



CHAPTER 78. COUNSELING, ADVISING, AND STUDENT SUPPORT

The Texas Education Agency (TEA) proposes new §§78.1001, 78.1003, and 78.2001, concerning counseling services and student advising. The proposed new sections would relocate existing requirements from 19 TAC Chapter 61 with no changes to the content of the rules.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new §78.1001 would move existing language from 19 TAC §61.1026, which requires school districts and open-enrollment charter schools to report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the number of full-time equivalent school counselors at each campus and the availability of expanded learning opportunities. The relocation is necessary due to a comprehensive reorganization of 19 TAC Chapter 61. No changes from the existing rule are proposed.

Proposed new §78.1003 would move existing language from 19 TAC §61.1073, which implements the statutory requirement for school districts to annually assess compliance with the district policy requiring a school counselor to spend at least 80% of the school counselor's total work time on duties that are components of a counseling program. The relocation is necessary due to a comprehensive reorganization of 19 TAC Chapter 61. No changes from the existing rule are proposed.

Proposed new §78.2001 would move existing language from 19 TAC §61.1071, which requires school counselors to provide certain information about higher education to a student and a student's parent or guardian during the first year the student is enrolled in a high school or at the high school level in an open-enrollment charter school and again during the student's senior year. The relocation is necessary due to a comprehensive reorganization of 19 TAC Chapter 61. No changes from the existing rule are proposed.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and programs, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations to relocate existing requirements.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to allow for TEA rules to be reorganized. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 14, 2025, and ends April 14, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received

by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 14, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

SUBCHAPTER AA. COMMISSIONER'S RULES ON COUNSELING SERVICES

19 TAC §78.1001, §78.1003

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §33.252, which outlines the types of expanded learning opportunities that may be provided by school districts and open-enrollment charter schools and the manner in which expanded learning opportunities may be offered; TEC, §48.009, which requires the commissioner to by rule require each school district and open-enrollment charter school to report through PEIMS information regarding the availability of school counselors at each campus and the availability of expanded learning opportunities as described by TEC, §33.252; TEC, §33.005, which provides that a school counselor shall plan, implement, and evaluate a comprehensive school counseling program that meets the requirements of the section; TEC, §33.006(d), which requires, except as provided by subsection (e) of the section, school districts to adopt a policy that requires a school counselor to spend at least 80% of the school counselor's total work time on duties that are components of a counseling program developed under TEC, §33.005; TEC, §33.006(e), which requires school district boards of trustees that determine that staffing needs require school counselors to spend less than 80% of their work time on duties that are components of counseling programs developed under TEC, §33.005, to change the policy adopted under subsection (d) of the section to reflect the reasons why counselors need to spend less than 80% of their work time on components of the counseling program, list those non-component duties, and set the required percentage of work time to be spent on components of the counseling program; and TEC, §33.006(h), which requires each school district to annually assess the district's compliance with the policy adopted under TEC, §33.006(d), and, on request by the commissioner, provide a written copy of the assessment to Texas Education Agency on or before a date specified by the commissioner. This section requires the commissioner to adopt rules to implement these requirements.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §33.252 and §48.009, for §78.1001; and TEC, §33.005 and §33.006, for §78.1003.

§78.1001. Statutorily Required Reporting through the Public Education Information Management System.

(a) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the number of full-time equivalent school counselors, defined as 40 hours of counseling services a week, at each campus.

(b) Each school district and open-enrollment charter school shall report through TSDS PEIMS for each campus:

(1) the availability of expanded learning opportunities that are provided during:

(A) an extended school day program that students are required to attend as part of the regular program of the campus at which

students are enrolled to increase the academic achievement and development of participating students;

(B) an extended school year program that students are required to attend as part of the regular program of the campus at which students are enrolled to increase the academic achievement and development of participating students; or

(C) a supplemental voluntary structured learning program that:

(i) occurs outside of the regular school day, including before- and after-school programs and summer programs; and

(ii) is coordinated with and enhances the regular academic program of the campus to increase the academic achievement and development of the participating student; and

(2) the availability of expanded learning opportunities that are provided by offering:

(A) rigorous coursework that includes activities related to providing Texas Essential Knowledge and Skills (TEKS)-aligned credit-earning courses, including activities related to dual credit and credit recovery;

(B) mentoring that consists of scheduled interaction between a trained adult and an individual student in which the adult provides support and teaches life skills to help the student's personal and academic development;

(C) tutoring that consists of one-on-one or small group instruction, led by a certified teacher, that provides supplemental content instruction or homework help to support student mastery of academic material and that does not include academic skill-building activities;

(D) physical activity that consists of instructor-led activities designed to provide students with supplemental opportunities for individual or group exercise or related knowledge and skills that encourage regular physical activity;

(E) academic support that provides supplemental instruction related to student academic skill development, including compensatory education, test-taking skills, and related academic skill-building, and that does not include tutoring and homework help; or

(F) educational enrichment in one or more subjects, including fine arts, civic engagement, science, technology, engineering, and mathematics, that includes activities that engage students in actively exploring academic content introduced during the regular school day to increase the academic success of students and consists of activities that are intentionally designed to align with but not replicate the instruction.

§78.1003. Annual Assessment of School District Compliance.

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.

(1) Comprehensive school counseling program--provision of a guidance curriculum, responsive services, individual planning, and system support as described in Texas Education Code (TEC), §33.005(b).

(2) Duties that are components of a counseling program--work activities related to the development, implementation, and evaluation of a comprehensive school counseling program as described in TEC, §33.005(b).

(3) School counselor--the position described by TEC, §21.003, and Chapter 239, Subchapter A, of this title (relating to School Counselor Certificate).

(4) School counselor's total work time--the amount of time, reported in hours, that a school counselor is contracted to work as a school counselor for a school district during a school year.

(b) School districts shall require each district school counselor to track and document, using a standardized tracking tool, as established by each district, the time spent on work duties performed by the school counselor throughout a school year. This tracking tool shall:

(1) include the following components:

(A) the total work time worked by the school counselor for the year;

(B) the total time spent on the following duties that are components of a counseling program developed under TEC, §33.005:

(i) provision of a guidance curriculum;

(ii) responsive services for students;

(iii) individual planning for students; and

(iv) system support; and

(C) the total time spent on duties that are not components of a counseling program developed under TEC, §33.005, including time spent in administering assessment instruments or providing other assistance in connection with assessment instruments (except time spent in interpreting data from assessment instruments); and

(2) be maintained by the district in a format that can be made available to Texas Education Agency (TEA) upon request.

(c) School districts shall annually assess the district's compliance with the policy adopted under TEC, §33.006(d). The assessment shall include:

(1) work time tracking documentation as described in subsection (b) of this section for each school counselor in the district;

(2) the number of school counselors whose work was in compliance with the district policy adopted under TEC, §33.006(d); and

(3) the number of school counselors in the district whose work was not in compliance with the district policy adopted under TEC, §33.006(d).

(d) The assessment described in subsection (c) of this section shall be maintained by the school district in a format that can be made available to TEA upon request.

(e) Not later than October 15 of each year, TEA will request the following information from a randomly selected sample of school districts, with district responses required to be submitted to TEA not later than November 15 of each year in the format requested by TEA:

(1) a copy of the district policy adopted under TEC, §33.006(d);

(2) a copy of the district annual assessment as required by subsection (c) of this section;

(3) the number of school counselors in the district from the previous school year;

(4) the number of school counselors in the district whose work is determined by the district to be out of compliance with the district policy adopted under TEC, §33.006(d); and

(5) any other findings, conclusions, or analysis included in the annual assessment required by subsection (c) of this section, including proposed strategies to address any lack of compliance with the district policy adopted under TEC, §33.006(d).

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

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Cristina De La Fuente-Valadez
Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



SUBCHAPTER BB. COMMISSIONER'S RULES ON STUDENT ADVISING

19 TAC §78.2001

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code, §33.007, which requires school counselors to provide information about postsecondary education to students and their parents or guardians.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §33.007.

§78.2001. Counseling Public School Students Regarding Higher Education.

(a) In accordance with Texas Education Code (TEC), §33.007, a counselor shall provide certain information about higher education to a student and a student's parent or guardian during the first year the student is enrolled in a high school or at the high school level in an open-enrollment charter school and again during the student's senior year.

(b) The information that counselors provide in accordance with subsection (a) of this section must include information regarding all of the following:

(1) the importance of higher education, which:

(A) includes workforce education, liberal arts studies, science education, graduate education, and professional education to provide broad educational opportunities for all students;

(B) furthers students' intellectual and academic development; and

(C) offers students more career choices and a greater potential earning power;

(2) the advantages of completing the recommended high school curriculum or higher, including, at a minimum, curriculum programs which:

(A) provide students with opportunities to complete higher-level course work, particularly in mathematics, science, social studies, and languages other than English, thereby:

(i) increasing students' readiness for higher education and reducing the need for additional preparation for college-level work;

(ii) preparing students for additional advanced work and research in both career and educational settings;

(iii) allowing students, in certain instances, to receive college credit for their high school course work; and

(iv) enabling students to be eligible for certain financial aid programs for which they would otherwise be ineligible (e.g., the TEXAS grant program);

(B) enable students to receive an academic achievement record noting the completion of either the recommended program or higher; and

(C) provide students who elect to complete the distinguished achievement program with an opportunity to demonstrate student performance at the college or career level by demonstrating certain advanced measures of achievement;

(3) the advantages of taking courses leading to a high school diploma relative to the disadvantages of preparing for a high school equivalency examination, including:

(A) the progressive relationship between education and income; and

(B) the greater possibility for post-secondary opportunities (including higher education and military service) that are available to students with a high school diploma;

(4) financial aid eligibility, including:

(A) the types of available aid, not limited to need-based aid, and including grants, scholarships, loans, tuition and/or fee exemptions, and work-study;

(B) the types of organizations that offer financial aid, such as federal and state government, civic or church groups, foundations, nonprofit organizations, parents' employers, and institutions of higher education; and

(C) the importance of meeting financial aid deadlines;

(5) instruction on how to apply for financial aid, including guidance and assistance in:

(A) determining when is the most appropriate time to complete financial aid forms; and

(B) completing and submitting the Free Application for Federal Student Aid (FAFSA) or any new version of this form as adopted by the U.S. Department of Education;

(6) the Texas Higher Education Coordinating Board's Center for Financial Aid Information, including its toll-free telephone line, its Internet website address, and the various publications available to students and their parents;

(7) the Automatic Admissions policy, which provides certain students who graduate in the top 10% of their high school class with automatic admission into Texas public universities; and

(8) the general eligibility and academic performance requirements for the TEXAS grant program, which allows students meeting the academic standards set by their college or university to receive awards for up to 150 credit hours or for six years or until they receive their bachelor's degree, whichever occurs first. The specific eligibility and academic performance requirements, along with certain exemptions to these requirements, are specified in Chapter 22, Subchapter L, of this title (relating to Toward Excellence, Access and Success (TEXAS) Grant Program). The general requirements include:

(A) Texas residency;

(B) financial need;

(C) registration for the Selective Service or exemption from this requirement;

(D) completion of the recommended high school program or higher or, in the case of a public high school that did not offer all of the courses necessary to complete the recommended or higher curriculum, a certification from the district that certifies that the student completed all courses toward such a curriculum that the high school had to offer;

(E) enrollment of at least three-quarters time in an undergraduate degree or certificate program within 16 months of high school graduation, unless an allowable exemption is satisfied; and

(F) no conviction of a felony or crime involving a controlled substance, unless certain conditions are met.

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

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Director, Rulemaking

Texas Education Agency

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PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 250. ADMINISTRATION SUBCHAPTER B. RULEMAKING PROCEDURES

19 TAC §250.20

The State Board for Educator Certification (SBEC) proposes an amendment to 19 Texas Administrative Code (TAC) §250.20, concerning petition for adoption of rules or rule changes. The proposed amendment would update the SBEC's petition for adoption of rule change procedures to align with statute.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Government Code (TGC), §2001.021, requires that procedures to petition for the adoption of rule changes be adopted by rule. To comply with statute, the SBEC rules in 19 TAC Chapter 250, Subchapter B, establish procedures for SBEC petition for rulemaking in §250.20, Petition for Adoption of Rules or Rule Changes.

The proposed amendment to §250.20 would strike subsections (b)(1) and (2) and add new subsection (b) to align with statute and allow the SBEC to address petitions for rulemaking more effectively, by either denying or initiating rulemaking within the 60-day required window.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rule does not have foreseeable implications relating to cost or revenues of the state or local governments. There are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under TGC, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. McLoughlin has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

ENVIRONMENTAL IMPACT STATEMENT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 15, 2025, and ends April 14, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.035(b), which requires the Texas Education Agency (TEA) to provide the State Board for Educator's (SBEC's) administrative functions and services; TEC,

§21.041(a), which authorizes the SBEC to adopt rules as necessary to implement its procedures; and TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and Texas Government Code, §2001.021, which authorizes a state agency to prescribe by rule the form for a petition and the procedure for the submission, consideration, and disposition.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §21.035(b) and §21.041(a) and (b)(1), and Texas Government Code (TGC), §2001.021.

§250.20. *Petition for Adoption of Rules or Rule Changes.*

(a) Any interested person, as defined in Texas Government Code (TGC), §2001.021, may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on the form provided in this subsection. The petition shall be signed and submitted to the designated Texas Education Agency (TEA) office. The TEA staff shall evaluate the merits of the petition to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.

Figure: 19 TAC §250.20(a) (No change.)

(b) The SBEC shall respond to a written request for rulemaking from an interested person in accordance with TGC, §2001.021.

~~[(b) In accordance with TGC, §2001.021, the TEA staff must respond to the petitioner within 60 calendar days of receipt of the petition.]~~

~~[(1) Where possible, the recommendation concerning the petition shall be placed on the next SBEC agenda, and the SBEC shall act on the petition within 60 calendar days.]~~

~~[(2) Where the time required to review the petition or the scheduling of SBEC meetings will not permit the SBEC to act on the petition within the required 60 calendar days, the TEA staff shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBEC meeting at which the recommendation will be presented to the SBEC for action.]~~

(c) The SBEC will review the petition and the recommendation and will either deny the petition, giving reasons for the denial, or direct the TEA staff to begin the rulemaking process. The TEA staff will notify the petitioner of the SBEC's action related to the petition.

(d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:

(1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;

(2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;

(3) the SBEC determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding;

(4) the petitioner files a petition:

(A) before the fourth anniversary of the SBEC's having previously considered and rejected a similar rule on the same subject matter; or

(B) to amend a rule proposed or adopted by the SBEC that has not yet become effective; or

(5) any other reason the SBEC determines is grounds for denial.

(e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.

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

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Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

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For further information, please call: (512) 475-1497



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

CHAPTER 374. DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LICENSURE OF PERSONS WITH CRIMINAL CONVICTIONS

40 TAC §374.1, §374.2

The Texas Board of Occupational Therapy Examiners proposes amendments to the Schedule of Sanctions figure in 40 Texas Administrative Code §374.1, Disciplinary Actions, and §374.2, Detrimental Practice.

The amendments to §374.2 will update the definition of "practiced occupational therapy in a manner detrimental to the public health and welfare" and clarify conduct that constitutes grounds to take disciplinary action against license holders.

Amendments to the Schedule of Sanctions in §374.1 will align the provisions therein with the proposed changes to §374.2; update the minimum, intermediate, and maximum discipline columns to reflect current trends in disciplinary action; and update administrative penalties for each day a violation continues or occurs. The amendments to the Schedule of Sanction also include the addition of a violation related to failure to inform the Board of information changes pursuant to §369.2, Changes of Name or Contact Information. The amendments also include general cleanups, including the removal of the current §374.2(12) and corresponding item in the Schedule of Sanctions, which concerned deceptive and fraudulent advertising, as a related item is already listed under Texas Occupations Code §454.301, Grounds for Denial of License or Discipline of License Holder; in tandem with the change, that related item from §454.301 has been added to the Schedule of Sanctions.

The amendments are proposed to ensure that the rules clearly identify the conduct that may be considered detrimental practice and the corresponding discipline. The changes will also facilitate the ability of individuals and the Board to identify violations and related discipline in order to ensure the health, safety, and welfare of the public.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be the greater ability of the rules to address violations that may be considered detrimental practice in order to ensure the health, safety, and welfare of the public. There would not be an additional anticipated economic cost to persons required to comply with the proposed amendments because Texas Occupations Code Chapter 454, the Occupational Therapy Practice Act, already allows for the Board to impose an administrative penalty and proposed changes do not exceed that amount authorized by Texas Occupations Code §454.3521(b).

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rules would be in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will create new regulations and repeal existing regulations;

(6) the rules will expand certain existing regulations and limit certain existing regulations;

(7) the rules will not increase or decrease the number of individuals subject to the rules' applicability; and

(8) the rules will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

These rules are not subject to Texas Government Code §2001.0045 because the rules are necessary to protect the health, safety, and welfare of the residents of this state and the Board is required to adopt a schedule of administrative penalties and other sanctions by rule pursuant to Texas Occupations Code §454.3025(a). The administrative penalties in the Schedule of Sanctions are necessary to deter the practice of occupational therapy in a manner detrimental to the public health and welfare.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

Comments on the proposed amendments may be submitted in writing to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 1801 Congress Ave Ste 10.900, Austin, Texas 78701 or to lea@ptot.texas.gov within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. The amendments are also proposed under §454.3025, which requires the Board by rule to adopt a schedule of administrative penalties and other sanctions that the Board may impose under this chapter, and under §454.3521, which authorizes the Board to impose an administrative penalty, not to exceed \$200 for each day a violation continues or occurs, under this chapter for a violation of this chapter or a rule or order adopted under this chapter. The amendments, lastly, are proposed under Texas Occupations Code §454.301, which includes that the Board may deny, suspend, or revoke a license or take other disciplinary action against a license holder if the applicant or license holder has practiced occupational therapy in a manner detrimental to the public health and welfare.

CROSS REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

§374.1. *Disciplinary Actions.*

(a) The board, in accordance with the Administrative Procedure Act, may deny, revoke, suspend, or refuse to renew or issue a

license, or may reprimand or impose probationary conditions, if the licensee or applicant for licensure has been found in violation of the rules or the Act. The board will adhere to procedures for such action as stated in the Act, §§454.301, 454.302, 454.303, and 454.304.

(b) The board recognizes four levels of disciplinary action for its licensees.

(1) Level I: Order and/or Letter of Reprimand or Other Appropriate Disciplinary Action (including but not limited to community service hours).

(2) Level II: Probation--The licensee may continue to practice while on probation. The board orders the probationary status which may include but is not limited to restrictions on practice and continued monitoring by the board during the specified time period.

(3) Level III: Suspension--A specified period of time that the licensee may not practice as an occupational therapist or occupational therapy assistant. Upon the successful completion of the suspension period, the license will be reinstated upon the licensee successfully meeting all requirements.

(4) Level IV: Revocation--A determination that the licensee may not practice as an occupational therapist or occupational therapy assistant. Upon passage of 180 days, from the date the revocation order becomes final, the former licensee may petition the board for re-issuance of a license. The former licensee may be required to re-take the Examination.

(c) The board shall utilize the following schedule of sanctions in all disciplinary matters.

Figure: 40 TAC §374.1(c)

[Figure: 40 TAC §374.1(e)]

(d) The board shall consider the following factors in conjunction with the schedule of sanctions when determining the appropriate penalty/sanction in disciplinary matters:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of the violation; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation;

(5) the economic harm to the public interest or public confidence caused by the violation;

(6) whether the violation was intentional; and

(7) any other matter that justice requires.

(e) Licensees who provide occupational therapy services are responsible for understanding and complying with Chapter 454 of the Occupations Code (the Occupational Therapy Practice Act), and the Texas Board of Occupational Therapy Examiners' rules.

(f) Final disciplinary actions taken by the board will be routinely published as to the names and offenses of the licensees.

(g) A licensee who is ordered by the board to perform certain act(s) will be monitored by the board to ensure that the required act(s) are completed per the order of the board.

(h) The board may expunge any record of disciplinary action taken against a license holder before September 1, 2019, for practicing

in a facility that failed to meet the registration requirements of §454.215 of the Act (relating to Occupational Therapy Facility Registration), as that section existed on January 1, 2019. The board may not expunge a record under this subsection after September 1, 2021.

(i) A licensee or applicant is required to report to the board a felony of which he/she is convicted within 60 days after the conviction occurs.

§374.2. *Detrimental Practice.*

§454.301(a)(6) of the [The] Act (relating to Grounds for Denial of License or Discipline of License Holder)[, §454.301(a)(6)] states, "practiced occupational therapy in a manner detrimental to the public health and welfare," which is defined, but not limited to, the following:

(1) failing to document occupational therapy services or inaccurately recording, falsifying, or altering client records;

[(1) impersonating another person holding an occupational therapy license or allowing another person to use his or her license;]

(2) making or filing a false or misleading report, or failing to file a report when it is required by law or third person or obstructing or attempting to obstruct another person from filing such a report;

[(2) using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession, as a science, or as a means for promoting the public health and welfare;]

(3) failing to report or otherwise concealing any conduct by self or another licensee likely to be a violation of the Act or Rules;

[(3) failing to report or otherwise concealing information related to violations of the Act, or rules and regulations pursuant to the Act, which could therefore result in harm to the public health and welfare or damage the reputation of the profession;]

(4) drug diversion. In this paragraph, "drug diversion" refers to when a medication is diverted from the person to whom it was prescribed;

[(4) intentionally making or filing a false or misleading report, or failing to file a report when it is required by law or third person, or intentionally obstructing or attempting to obstruct another person from filing such a report;]

(5) not providing the supervision required by the Act and Rules for those individuals to whom occupational therapy services are delegated;

[(5) intentionally harassing, abusing, or intimidating a patient either physically or verbally;]

(6) practicing occupational therapy without receiving the supervision required by the Act and Rules;

[(6) intentionally or knowingly offering to pay or agreeing to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting patients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under the Texas Health and Safety Code, §§161.091 - 161.094, the Social Security Act, §1128B, 42 United States Code 1320a-7b, or the Social Security Act, §1877, 42 United States Code 1395nn or its regulations;]

(7) impersonating another person holding a license; aiding, abetting, authorizing, condoning, or allowing the practice of occupational therapy or the representation of oneself as an occupational therapy practitioner by a person without a license; or aiding, abetting, au-

thorizing, condoning, or allowing the use of a license by a person other than the holder of the license;

[(7) recommending or prescribing therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from the third person;]

(8) practicing occupational therapy or representing oneself in a manner not authorized by the license;

[(8) breaching the confidentiality of the patient/therapist relationship;]

(9) failing to cooperate with the agency by not responding to agency correspondence addressed to the individual's designated address(es) or by not furnishing papers or documents requested or not responding to subpoenas issued by the agency within 90 days;

[(9) failing to obtain informed consent prior to engaging in scientific research involving patients, or otherwise violating ethical principles of research as defined by the TBOTE Code of Ethics, §374.4 of this title (relating to Code of Ethics), or other occupational therapy standards;]

(10) failing to complete the requirements of an agreed order;

[(10) practicing occupational therapy after the expiration of a temporary, provisional, or regular license;]

(11) interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or Board or by the use of threats, intimidation, or harassment against any clients or witnesses with the potential of preventing them from providing evidence in a disciplinary proceeding or any other legal action;

[(11) violation of Chapter 373 of this title (relating to Supervision);]

(12) practicing occupational therapy without a valid license, including after the expiration, surrender, or revocation of the license, during the suspension of the license, or after the license is void;

[(12) advertising in a manner which is false, misleading, or deceptive;]

(13) failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to:

(A) using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession or science or as a means of promoting the public health and welfare;

(B) delegating, performing, or attempting to perform techniques or procedures in which one is untrained by education or experience;

(C) delegating occupational therapy functions or responsibilities to an individual lacking the competency to perform such;

(D) harassing, abusing, or intimidating a client either physically or verbally;

(E) causing or enabling physical or emotional injury to or the impairment of the dignity or safety of the client; and

(F) violating the principles or related standards of conduct of §374.4 of this title (relating to Code of Ethics);

[(13) failing to give sufficient prior written notice of resignation of employment (or termination of contract) resulting in loss or

delay of patient treatment for those patients/clients under the licensee's care; or]

(14) engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to:

(A) engaging in inappropriate behavior with or comments directed toward a client; and

(B) becoming financially or personally involved in an inappropriate manner with a client;

[(14) failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with HIPAA regulations.]

(15) intentionally or knowingly offering to pay or agreeing to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting clients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under 42 United States Code §1320a-7b(b) or its regulations;

(16) recommending therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from a third person;

(17) failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with Health Insurance Portability and Accountability Act (HIPAA) regulations; and

(18) failing to provide sufficient prior written notice of resignation of employment or termination of contract, or if self-employed, sufficient prior written notice to existing clients or any licensees under the individual's supervision, resulting in the loss or delay of occupational therapy services. In this paragraph, "sufficient" means at least 14 days; however, should an employment contract, or if self-employed, a comparable written agreement with clients, specify a different period of time, "sufficient" means the term dictated by such, up to and including 30 days.

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 February 28, 2025.

TRD-202500756

Ralph A. Harper

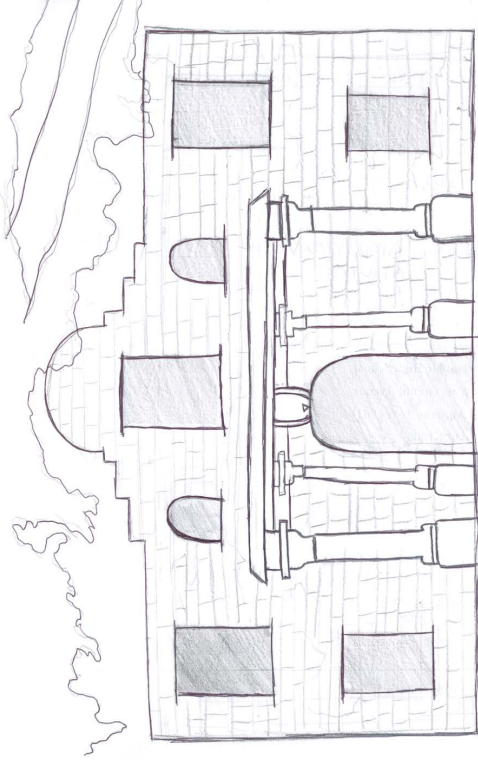
Executive Director

Texas Board of Occupational Therapy Examiners

Earliest possible date of adoption: April 13, 2025

For further information, please call: (512) 305-6900

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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 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 41. FEVER TICKS

4 TAC §41.8

The Texas Animal Health Commission (Commission) in a duly noticed meeting on February 25, 2025, adopted amendments to §41.8, concerning Dipping, Treatment, and Vaccination of Animals. Section 41.8 is adopted without changes to the proposed text published in the December 13, 2024, issue of the *Texas Register* (49 TexReg 10091) and will not be republished.

JUSTIFICATION FOR RULE ACTION

Cattle Fever Ticks are a significant threat to the United States cattle industry. These ticks are capable of carrying the protozoa, or microscopic parasites, *Babesia bovis* or *B. bigemina*, commonly known as cattle fever. This disease caused enormous economic losses to the U.S. cattle industry in the late 1800s and early 1900s. Since that time, the Commission works to protect the state and nation from the pest and its repercussions.

Section 41.8 establishes guidelines for various treatment methods for fever ticks. These treatments include scheduled dipping, injectable doramectin, vacating premises, and approved acaricides. The proposed amendments to §41.8 update the doramectin administration schedule from 25-28 days to 21-28 days. The proposed amendments also change the extended withdrawal period from 35 days to a period determined by TAHC and USDA APHIS. These changes follow current recommendations from the Food Animal Residue Avoidance Databank (FARAD) and are made in collaboration with the USDA's Cattle Fever Tick Eradication Program.

HOW THE RULES WILL FUNCTION

The amendments to §41.8 include guidelines for administering doramectin. The amendments update the frequency of administration and updates the required withdrawal period.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended January 12, 2025.

During this period, the commission did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The amendments are proposed under the Texas Agriculture Code, Chapter 161, §161.046 which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.005, entitled "Commission Written Instruments" the commission may authorize the executive director or another employee to sign written instruments on behalf of the Commission. A written instrument, including a quarantine or written notice signed under that authority, has the same force and effect as if signed by the entire commission.

Pursuant to §161.007, entitled "Exposure or Infection Considered Continuing" if a veterinarian employed by the Commission determines that a communicable disease exists among livestock, domestic animals, or domestic fowl or on certain premises or that livestock, domestic animals, or domestic fowl have been exposed to the agency of transmission of a communicable disease, the exposure or infection is considered to continue until the Commission determines that the exposure or infection has been eradicated through methods prescribed by rule of the Commission.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products" the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, entitled "Regulation of Movement of Animals" the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce.

Pursuant to §161.057, entitled "Classification of Areas" the Commission by rule may prescribe criteria for classifying areas in the state for disease control. The criteria must be based on sound epidemiological principles. The Commission may prescribe different control measures and procedures for areas with different classifications.

Pursuant to §161.061, entitled "Establishment" if the Commission determines that a disease listed in §161.041 of this code or an agency of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or that a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or an

agency of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place.

Pursuant to §161.081, entitled "Importation of Animals" the Commission by rule may regulate the movement, including movement by a railroad company or other common carrier, of livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl into this state from another state, territory, or country.

Pursuant to §167.003, entitled "General Powers and Duties of the Commission" the Commission shall eradicate all ticks capable of carrying Babesia in this state and shall protect all land, premises, and livestock in this state from those ticks and exposure to those ticks. In carrying out this chapter, the Commission may adopt necessary rule.

Pursuant to §167.004, entitled "Classification of Animals or Premises as Infested, Exposed or Free from Exposure" the Commission by rule shall define what animals and premises are to be classified as exposed to ticks. The Commission shall classify as exposed to ticks livestock that have been on land or in an enclosure that the Commission determines to be tick infested or exposed to ticks or to have been tick infested or exposed to ticks before or after the removal of the livestock, unless the Commission determines that the infestation or exposure occurred after the livestock were removed and that the livestock did not become infested or exposed before removal.

No other statutes, articles, or codes are affected by this proposal.

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 March 3, 2025.

TRD-202500760

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Effective date: March 23, 2025

Proposal publication date: December 13, 2024

For further information, please call: (512) 839-0511



TITLE 22. EXAMINING BOARDS

PART 8. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

CHAPTER 153. RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT

22 TAC §153.16

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.16, License Reinstatement.

The amendments are adopted without changes to the proposed text as published in the December 6, 2024, issue of the *Texas Register* (49 TexReg 9870) and will not be republished.

The amendments to §153.16 define the requirements for the reinstatement of an expired trainee license.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules related to certificates and licenses that are consistent with applicable federal law and guidelines adopted by the AQB; §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the Appraiser Qualifications Board; and §1103.154, which authorizes TALCB to adopt rules relating to professional conduct.

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 February 25, 2025.

TRD-202500709

Kathleen Santos

General Counsel

Texas Appraiser Licensing and Certification Board

Effective date: March 17, 2025

Proposal publication date: December 6, 2024

For further information, please call: (512) 936-3088



CHAPTER 159. RULES RELATING TO THE PROVISIONS OF THE TEXAS APPRAISAL MANAGEMENT COMPANY REGISTRATION AND REGULATION ACT

22 TAC §159.203, §159.204

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §159.204, Complaint Processing and new 22 TAC §159.203, Sanctions Guidelines.

The amendments and new rule are adopted without changes to the proposed text as published in the December 6, 2024, issue of the *Texas Register* (49 TexReg 9871) and will not be republished.

The amendments to §159.204 clarifies the preliminary investigative review process, adds a subsection for the online payment of administrative penalties and required fees, and removes the sanctions guidelines for placement into new rule, 159.203.

New §159.203 is formerly section (m) of §159.204 that outlines the Board's sanctions guidelines and factors taken into consideration for case disposition. Both rules are amended for renumbering and to reflect corresponding references to sections within the rule.

No comments were received regarding adoption of the amendments and new rule.

The amendments and new rule are adopted under Texas Occupations Code §1104.151, which authorizes TALCB to adopt rules necessary to administer the provisions of Chapter 1104, Texas Occupations Code.

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 February 25, 2025.

TRD-202500711

Kathleen Santos

General Counsel

Texas Appraiser Licensing and Certification Board

Effective date: March 17, 2025

Proposal publication date: December 6, 2024

For further information, please call: (512) 936-3088



PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 463. APPLICATIONS AND EXAMINATIONS

SUBCHAPTER B. LICENSING REQUIREMENTS

22 TAC §463.9

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts the amendments to §463.9, relating to Licensed Specialist in School Psychology. Section 463.9 is adopted without changes as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9696) and will not be republished.

Reasoned Justification.

The adopted amendments adjust language identified during the quadrennial rule review to better align with statute regarding unlicensed practice of school psychology outside an educational program. The amendment will clarify an unlicensed individual may complete an internship or other program if begun while enrolled in a psychology program.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received two comments in favor of the rule change, noting appreciation for the rule change including a way for students to complete their internships even after graduation.

Top of Form

Agency Response.

The agency appreciates the public input.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 February 25, 2025.

TRD-202500693

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §463.10

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts the amendments to §463.10, relating to Licensed Psychologists. Section 463.10 is amended without changes as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9698) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to align with statute regarding waiving experience requirements for applicants with a license in another jurisdiction.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 February 25, 2025.

TRD-202500694

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



SUBCHAPTER E. EXAMINATIONS

22 TAC §463.31

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts the amendment to §463.31, relating to Minimum Passing Scores for Examinations. Section 463.31 is amended without changes as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9700) and will not be republished.

Reasoned Justification.

The adopted amendments reduce the required passing score on the psychology jurisprudence exam from 90% to 85%.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received five comments in opposition to the rule change. Commenters opposed lowering the jurisprudence exam passing score because of concerns of lower licensing standards. They stated that lowering the passing score could lead to increased examples of unethical practice and, ultimately, public harm.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual commented in favor of the rule change, noting that test question construction can make it difficult to pass even when an open book exam.

Agency Response.

The agency appreciates the public input. The agency disagrees that setting the jurisprudence exam passing score at 85 percent will create a decrease in licensing standards. The agency monitors test performance and has chosen the passing score based on a holistic look at the test performance data and trends.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules nec-

essary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 February 25, 2025.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §681.37

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.37, relating to Billing and Financial Arrangements. Section 681.37 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9702) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter opposed the rule stating that cross references to other codes and rules are helpful to licensees.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One person supported the proposed change without comment.

Agency Response.

The agency appreciates the public comments. The proposed change will not remove any helpful cross references, but will only eliminate a statement that does not align with the agency's statute.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 February 25, 2025.

TRD-202500696

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §681.41

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.41, relating to General Ethical Requirements. Section 681.41 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9703) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

Four individuals commented against the proposed rule, suggesting that it is important for license holders to correct misinformation when they learn of it. Several commenters mentioned the danger of false information appearing online, including fake online reviews.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One commenter supported the proposed amendment without comment.

Agency Response.

The agency appreciates the public comment. The proposed amendment will eliminate blanket language requiring a licensee to correct misrepresentations made by another person without any evidence of impact to the licensee or a client. However, Council rules will continue to prohibit a licensee from benefiting from any false, deceptive, or fraudulent statements, which would include having someone post false advertisements online.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reason-

ably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 February 25, 2025.

TRD-202500697

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §681.44

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts the repeal of §681.44, relating to Drugs and Alcohol Use. Section 681.44 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9705) and will not be republished.

Reasoned Justification.

The adopted repeal removes language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One public commenter supported the repeal, noting the substance of the rule is stated elsewhere in the board's rules.

Agency Response.

The agency appreciates the public comment in support of the rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle 1, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 February 25, 2025.

TRD-202500698

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §681.47

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts the repeal of §681.47, relating to Assumed Names. Section 681.47 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9706) and will not be republished.

Reasoned Justification.

The adopted repeal removes language identified during the quadrennial rule review as potentially in conflict with the Texas Business and Commerce Code, while not changing the substantive requirement in other rules that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle 1, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §681.49

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.49, relating to Advertising and Announcements. Section 681.49 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9707) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, or deceptive advertising.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

Two commenters were neutral on the rule proposal, with one noting rewording of the rule language might make more sense than repeal. The other felt that any rule changes need to be better communicated because some supervisors report wrong information.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public input. The agency believe existing rule language is sufficient to protect against false advertisements and the language proposed to be repealed does not need rewording. The agency also takes multiple steps to advertise upcoming rule changes to the licensed community.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §681.81

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.81, relating to General Academic Requirements. Section 681.81 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9709) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review that is superseded by Council rule §882.11.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One commenter supported the proposed change without comment.

Agency Response.

The agency appreciates the public support.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Ex-

ecutive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.81. *General Academic Requirements.*

(a) The Council will accept as meeting academic requirements graduate degrees from accredited schools that meet the requirements of §681.82 of this title and §681.83 of this title.

(b) The applicant must provide the Council with documents and evidence to establish his or her formal education is equivalent to at least a master's degree granted by an accredited school. In order to meet this requirement the applicant must comply with Council §882.11 of this title.

(c) Applicants must provide upon request a course description from an official school catalog or bulletin or a course syllabus to substantiate the relevance of the course to the academic requirements of §681.83 of this title.

(d) The Council will not consider undergraduate level courses as meeting any academic requirements for licensure unless the applicant's official transcript clearly shows the course was awarded graduate credit by the school.

(e) The Council will consider courses for which an applicant's official transcript indicates a passing grade or credit was earned.

(f) In evaluating transcripts, the Council will consider a quarter hour of academic credit as two-thirds of a semester hour.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.92

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.92, relating to Experience Requirements. Section 681.92 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9710) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One individual suggested the removed language should be rewritten to clarify whether an LPC associate may have more than one supervisor.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual supported the rule change since the removed language is already elsewhere in the board rules.

Agency Response.

The agency appreciates the public comment. The agency does not believe any additional wording changes are necessary, and the proposed repeal of language is appropriate, because elsewhere in the rules make clear an LPC associate may have up to only two supervisors.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.92. Experience Requirements.

(a) All applicants for LPC licensure must complete supervised experience acceptable to the Council of 3,000 clock-hours under a Council-approved supervisor.

(1) All internships physically occurring in Texas must be completed under the supervision of a Council-approved supervisor.

(2) For all internships physically completed in a jurisdiction other than Texas, the supervisor must be a person licensed or certified by that jurisdiction in a profession that provides counseling and who has the academic training and experience to supervise the counseling services offered by the Associate. The applicant must provide documentation acceptable to the Council regarding the supervisor's qualifications.

(b) The supervised experience must include at least 1,500 clock-hours of direct client counseling contact. Only actual time spent counseling may be counted.

(c) An LPC Associate may not complete the required 3,000 clock-hours of supervised experience in less than 18 months.

(d) The experience must consist primarily of the provision of direct counseling services within a professional relationship to clients by using a combination of mental health and human development principles, methods, and techniques to achieve the mental, emotional, physical, social, moral, educational, spiritual, or career-related development and adjustment of the client throughout the client's life.

(e) The LPC Associate must receive direct supervision consisting of a minimum of four (4) hours per month of supervision in individual (up to two Associates) or group (three or more) settings while the Associate is engaged in counseling unless an extended leave of one month or more is approved in writing by the Council approved supervisor. No more than 50% of the total hours of supervision may be received in group supervision.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.101

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.101, relating to Examinations. Section 681.101 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9712) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter disagreed with the rule change, asking that the rule specify applicants are required to take the LPC jurisprudence.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual supported the rule without comment.

Agency Response.

The agency appreciates the public input. The agency does not believe any additional clarification is needed to the rule, as the jurisprudence exam requirement is clearly within the context of applying for an LPC license and must therefore be the applicable jurisprudence exam.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706

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SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §681.204

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.204, relating to Other Actions. Section 681.204 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9713) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One individual commented in opposition to the removal of conditional letters of agreement as a board tool, but recognized there was no statutory support for these agreements.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public input, and notes the removal of this language is necessary to align the boards rules with its statutory authority, which does not include issuing conditional letters of agreement.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qual-

ifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.205

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.205, relating to Schedule of Sanctions. Section 681.205 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9714) and will not be republished.

Reasoned Justification.

The adopted amendments update the schedule of sanctions to reflect amendments proposed in other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual supported the rule change, appreciating the agency's staff for keeping the schedule of sanctions up to date.

Agency Response.

The agency appreciates the public input.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



PART 34. TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

CHAPTER 781. SOCIAL WORKER LICENSURE

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §781.306

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amended §781.306, relating to Professional Representation. Section 781.306 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9715) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received two comments against the proposed rule change. These comments stated the proposed repealed language is important to prevent harm to the public and the profession, requiring social workers to make sure all representations about their services are accurate. One commenter specifically discussed the potential for false online reviews to be posted by people affiliated with a licensed social worker.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed amendment will eliminate blanket language requiring a licensee to correct misrepresentations made by another person without any evidence of impact to the licensee or a client. However, Council rules will continue to prohibit a licensee from benefiting from any false, deceptive, or fraudulent statements, which would include having someone post false advertisements online.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, stan-

dards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



22 TAC §781.310

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amendments to §781.310, relating to Billing and Financial Relationships. Section 781.310 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9717) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



22 TAC §781.313

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts the repeal of §781.313, relating to Corporations and Business Names. Section 781.313 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9718) and will not be republished.

Reasoned Justification.

The adopted repeal remove language identified during the quadrennial rule review as potentially in conflict with the Texas Business and Commerce Code, while not changing the substantive requirement in other rules that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 February 25, 2025.

TRD-202500710

Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §781.804

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amended §781.804, relating to Other Actions. Section 781.804 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9719) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to

the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.804. Other Actions.

Complaints may be resolved by issuance of a warning letter. Warning letters inform licensees of their duties under the Act, the Council Act, or council rules and whether the council has a concern about the circumstances surrounding the complaint.

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

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TRD-202500713

Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §781.805

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amendments to §781.805, relating to Schedule of Sanctions. Section 781.805 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9720) and will be republished.

Reasoned Justification.

The adopted amendments update the schedule of sanctions to reflect amendments proposed in other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.805. Schedule of Sanctions.

The following standard sanctions shall apply to violations of the Act and these rules.

Figure: 22 TAC §781.805

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 February 25, 2025.

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Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706

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PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §801.43

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.43, relating to Professional Representation. Section 801.43 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9722) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One comment against the rule amendment stated the proposal was an "unneeded change that will harm both professionalism and the Texas public," discussing the possibility of a licensee having someone post false online reviews about their practice.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed amendment will eliminate blanket language requiring a licensee to correct misrepresentations made by another person without any evidence of impact to the licensee or a client. However, Council rules will continue to prohibit a licensee from benefiting from any false, deceptive, or fraudulent statements, which would include having someone post false advertisements online.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Exec-

utive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



22 TAC §801.44

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.44, relating to Relationships with Clients. Section 801.44 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9723) and will be republished.

Reasoned Justification.

The adopted amendments will remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter opposed the proposed change on the grounds that having cross references to other codes and rules is helpful information for licensees.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed changes do not eliminate cross references to any code or rules, but simply repeals a sentence that did not accurately state the law.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§801.44. *Relationships with Clients.*

- (a) A licensee must provide marriage and family therapy professional services only in the context of a professional relationship.
- (b) A licensee must make known in writing to a prospective client the important aspects of the professional relationship, including the licensee's status as an LMFT or LMFT Associate, any probationary status or other restrictions placed on the licensee by the council, office procedures, after-hours coverage, fees, and arrangements for payment (which might affect the client's decision to enter into the relationship).
- (c) A licensee must obtain an appropriate consent for treatment before providing professional services. A licensee must make reasonable efforts to determine whether the conservatorship, guardianship, or parental rights of the client have been modified by a court. Before the commencement of therapy services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order in a suit affecting the parent-child relationship. A licensee must maintain these documents in the client's record. When federal or state statutes provide an exemption to secure consent of a parent or guardian before providing services to a minor, such as in Texas Family Code, Chapter 32, a licensee must follow the protocol set forth in such federal or state statutes.
- (d) A licensee must make known in writing to a prospective client the confidential nature of the client's disclosures and the clinical record, including the legal limitations of the confidentiality of the mental health record and information.
- (e) No commission or rebate or any other form of remuneration may be given or received by a licensee for the referral of clients for professional services. A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in Texas Health and Safety Code, §164.006.
- (f) A licensee may not exploit the licensee's position of trust with a client or former client.
- (g) A licensee may not engage in activities that seek to meet the licensee's personal needs instead of the needs of the client.
- (h) A licensee may not provide marriage and family therapy services to family members, personal friends, educational associates, business associates, or others whose welfare might be jeopardized by such a dual relationship.
- (i) A licensee must set and maintain professional boundaries with clients and former clients.
- (j) A licensee may disclose confidential information to medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others or there is a probability of immediate mental or emotional injury to the client.
- (k) In group therapy settings, the licensee must take reasonable precautions to protect individuals from physical or emotional trauma resulting from interaction within the group.
- (l) A licensee must make a reasonable effort to avoid non-therapeutic relationships with clients or former clients. A non-therapeutic relationship is an activity begun by either the licensee, the client, or former client for the purposes of establishing a social, business, or other relationship not related to therapy. A licensee must ensure the welfare of the client or former client if a non-therapeutic relationship arises.
- (m) A licensee may not bill clients or third parties for services not actually rendered or as agreed to in writing.

(n) A licensee must end a professional relationship when it is reasonably clear the client is not benefiting from it. Upon ending a professional relationship, if the client still requires mental health services, the licensee must make reasonable efforts to provide a written referral to clients for appropriate services and to facilitate the transfer to appropriate care.

(o) A licensee who engages in technology-assisted services must provide the client with the licensee's license number and information on how to contact the council by telephone, electronic communication, or mail. The licensee must comply with all other provisions of this chapter.

(p) A licensee may not offer services that are beyond the licensee's professional competency, and the services provided must be within accepted professional standards of practice and appropriate to the needs of the client. In emerging areas in which generally recognized standards for preparatory training do not exist, licensees must take reasonable steps to ensure the competence of their work and to protect clients, research participants, and other affected individuals from the potential for harm.

(q) A licensee must base all services on an assessment, evaluation, or diagnosis of the client.

(r) A licensee must evaluate a client's progress on a continuing basis to guide service delivery and must make use of supervision and consultation as indicated by the client's needs.

(s) A licensee may not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee must take immediate and reasonable action to inform the other mental health services provider.

(t) A licensee may not aid or abet the unlicensed practice of marriage and family therapy services by a person required to be licensed under the Act. A licensee must report to the council knowledge of any unlicensed practice.

(u) A licensee may not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.

(v) A licensee must refrain from providing services when they know or should know that their physical or mental health or lack of objectivity are likely to impair their competency or harm a client or other person with whom they have a professional relationship

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

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Darrel D. Spinks
Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §801.50

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts the repeal of §801.50, relating to Corporation and Business Names. Section 801.50 is repealed without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9725) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially in conflict with the Texas Business and Commerce Code, while not changing the substantive requirement in other rules that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One person commented against the rule stating it seemed unnecessary to state someone could do what they are already doing.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed repeal will remove language the Council has determined is unnecessary and potentially in conflict with the Business and Commerce Code.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may

not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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TRD-202500717

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §801.53

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.53, relating to Advertising and Announcements. Section 801.53 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9726) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, or deceptive advertising.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One commenter supported the rule change stating a rule contingent on a client's understanding of advertising is hard to define.

Agency Response.

The agency appreciates the public comment in support of the rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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Proposal publication date: November 29, 2024
For further information, please call: (512) 305-7706



SUBCHAPTER C. APPLICATIONS AND LICENSING

22 TAC §801.115

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts new §801.115, relating to Applicants Currently Li-

censed as an LMFT in Another Jurisdiction. Section 801.115 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9728) and will be republished.

Reasoned Justification.

The adopted new rule deems marriage and family therapist applicants who are licensed to practice independently in another jurisdiction for two years to have met all academic and experience requirements if they meet all minimum statutory requirements for licensure.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Ex-

Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

§801.115. Applicants Currently Licensed as an LMFT in Another Jurisdiction.

An applicant who has held an independent, active license as an LMFT in good standing issued by another jurisdiction for at least two years immediately preceding the date the application was received will be deemed to have met all academic and experience requirements, if the applicant can demonstrate:

- (1) 3,000 hours of work experience that includes at least 1,500 hours of direct clinical services;
- (2) 200 hours of supervision that includes at least 100 hours of individual supervision; and
- (3) has completed a master's or doctoral degree with a graduate internship.

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

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706



22 TAC §801.204

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.204, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses. Section 801.204 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9730) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
Effective date: March 17, 2025
Proposal publication date: November 29, 2024
For further information, please call: (512) 305-7706



SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §801.303

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.303, relating to Other Actions. Section 801.303 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9731) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§801.303. *Other Actions.*

Complaints may be resolved by issuance of a warning letter. Warning letters inform licensees of their duties under the Act, the Council Act, or council rules and whether the council has a concern about the circumstances surrounding the complaint.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §801.305

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.305, relating to Schedule of Sanctions. Section 801.305 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9732) and will not be republished.

Reasoned Justification.

The adopted amendments update the schedule of sanctions to reflect amendments proposed in other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which

vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

CHAPTER 881. GENERAL PROVISIONS SUBCHAPTER B. RULEMAKING

22 TAC §881.20

The Texas Behavioral Health Executive Council adopts amendments to §881.20, relating to Rulemaking by the Executive Council. Section 881.20 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9733) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter disagreed with the proposed amendment, stating they would like to keep the ability to make changes to rules as necessary.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Council thanks the commenter for their response. The proposed amendments merely eliminate duplicative language from the rule. The Council will continue to have the ability to make non-substantive, editorial changes to rules as necessary.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

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For further information, please call: (512) 305-7706



TITLE 30. ENVIRONMENTAL QUALITY PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 30. OCCUPATIONAL LICENSES AND REGISTRATIONS

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts new Texas Administrative Code (TAC) §30.344 and §30.394 and the amendments to 30 TAC §§30.5, 30.7, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28, 30.185, 30.340, 30.342, 30.350, 30.387, 30.390, and 30.392.

New §30.344 and §30.394 and amended §§30.5, 30.7, 30.14, 30.20, 30.26, 30.28, 30.185, 30.340, 30.342, 30.350, 30.387, 30.390, and 30.392 are adopted without changes to the proposed text as published in the September 13, 2024, issue of the *Texas Register* (49 TexReg 7289) and therefore will not be republished. Amended §30.18 and §30.24 are adopted with changes to the proposed text as published in the September 13, 2024, issue of the *Texas Register*, and therefore will be republished.

Background and Summary of the Factual Basis for the Adopted Rules

House Bill (HB) 1845 amended Texas Water Code (TWC), Chapter 37, Occupational Licensing and Registration, to add TWC, §37.0045 which requires the commission to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent.

HB 2453 amended Texas Occupations Code (TOC) by adding new Chapter 60, to allow licensing agencies to issue a digital license or certificate of registration in lieu of a physical paper license. The bill does not require rulemaking. However, the executive director (ED) amends 30 TAC §30.5 to explicitly state that the ED may issue a digital license in lieu of physical paper license.

Senate Bill (SB) 422 amended TOC Chapter 55, to allow military service members to engage in a business or occupation for which a license is required, without a Texas license, provided the military service member holds a current license in good standing from another jurisdiction. The ED has a reciprocity process for military service members and already complies with the intent of the bill to ease the burden on military families relocated to Texas. Therefore, no rulemaking is required in this regard. However, the bill also requires that the ED process applications and issue the license for qualified military service members, veterans, or spouses, within 30 days of the receipt of application.

Staff Recommended Changes

This rulemaking adopts amended 30 TAC Chapter 30 to incorporate the operator resiliency training requirements. On June 8, 2021, the 87th Texas Legislature passed SB 3 to address preparing for, preventing, and responding to weather emergencies and power outages. In the aftermath of Winter Storm Uri, TCEQ was tasked to conduct an "after-action review" to evaluate the factors that impacted public water systems during the Winter Storm. The project team engaged stakeholders from the private and public sectors to discuss a variety of topics to enhance critical infrastructure resilience. One of the recommendations that came out of the after-action review was to require public water system operators to take resiliency training. The adopted amendments to the rules will assist licensed operators, public water systems, and affected utilities prepare for, respond to, and recover from severe weather-related events. TCEQ has the authority to expand the requirements for minimum operator training under existing language in TWC, §37.002 and 30 TAC Chapter 30 Sub-

chapter K. TCEQ's rule currently requires specific courses to be taken to qualify for specific license levels. This rulemaking codifies in rule the new requirements for public water system operators to comply with the resiliency training requirements for new and renewal of public water system operator licenses.

This rulemaking also reduces the number of continuing education (CE) credits required to renew the Leaking Petroleum Storage Tank Project Manager license from 32 hours to 20 hours. Previously, individuals were required to complete 32 hours of continuing education every three years to be eligible to renew their license. The regulated community expressed difficulty in meeting this requirement based on the available TCEQ-approved training (note the commission does not develop or offer training for this license). The ED does not believe there will be any impact to the environment by reducing the training requirement.

The rulemaking also adopts minor updates to provide consistency with other licensing requirements and rules. These include updating occupational training terminology to be consistent with current training policies and technologies.

Section by Section Discussion

The commission adopts amended 30 TAC §30.5 to reflect the addition of TOC Chapter 60, Digital Licenses. The amendment adds §30.5(g) to allow the ED to issue a digital license in lieu of a physical paper license.

The commission adopts amended 30 TAC §30.7 to update definitions to be consistent with current training technology, delivery methods, and approval procedures. Definitions in this section have been renumbered to account for the added definitions.

The commission adopts amended 30 TAC §30.7(3) to remove the term "classroom" from the definition of "approved classroom training providers". This definition now incorporates all types of training, rather than just classroom training.

The commission adopts amended 30 TAC §30.7(4) to remove the definition of "approved conference and webinar training providers" as this term is no longer relevant. The term "approved training provider" encompasses training providers for all types of training.

The commission adopts amended 30 TAC §30.7(5) to remove the definition of "approved distance training providers" as this term is no longer relevant. The term "approved training provider" encompasses training providers for all types of training. Subsequent definitions have been renumbered.

The commission adopts amended 30 TAC §30.7(6) (now §30.7(4)) to update the definition of "approved training" to add the term "registration" since training is used for obtaining or renewing both licenses and registrations.

The commission adopts amended 30 TAC §30.7(7) (now §30.7(5)) to update the terms used for training delivery methods. The three types of approved training delivery methods include in-person (occurs at the same place and time for the instructor and student), live-online (occurs at the same time for the instructor and student, but not at the same place), and self-paced training (occurs with a separation of both place and time between the instructor and student). The following terms were removed from this definition (conferences, seminars, workshops, training at association meetings) as they are considered types of training, rather than types of delivery methods.

The commission adopts amended 30 TAC §30.7(8) (now §30.7(6)) to update the definition of "association" to add the term "registrations" since members could hold either licenses or registrations.

The commission adopts new 30 TAC §30.7(7) to include a definition for "association meetings" which refers to any in-person or online sessions conducted by an association that are delivered in-person, live-online, or a combination of both.

The commission adopts new 30 TAC §30.7(8) to include a definition for "classroom training." "Classroom training" refers to courses that are held in real-time and can be held in-person, live-online, or a combination of both.

The commission adopts amended 30 TAC §30.7(9) to clarify that conferences may be delivered in-person, live-online, or a combination of both and must be conducted by a governmental entity, association, or accredited college.

The commission adopts amended 30 TAC §30.7(10) to add the term "registration" since continuing education is required for renewal of both licenses and registrations.

The commission adopts new 30 TAC §30.7(11) to include a definition of "core training" which refers to courses that are required to obtain an occupational license or registration that are approved by the ED.

The commission adopts amended 30 TAC §30.7(11) (now §30.7(12)) to update definition of "correspondence training." Correspondence training is a type of self-paced training that can be conducted as paper-based training, electronic-based (such as receiving a CD in the mail), or a combination of these systems.

The commission deletes existing 30 TAC §30.7(12), the definition for "distance training." The term "self-paced training delivery method" (now §30.7(26)) replaces the term "distance training" to be consistent with current training terminology.

The commission adopts amended 30 TAC §30.7(13) to add the term "registrations" since a distributor can sell a product to individuals with either occupational licenses or registrations.

The commission adopts new 30 TAC §30.7(16) to define "in-person training delivery method" as an interactive instructor-led training delivered in real time at the same physical location as the student.

The commission adopts new 30 TAC §30.7(18) to define "live-online training delivery method" as training that occurs at the same time for the instructor and student, but not at the same place. Instructor-led classroom, conferences, or association meetings can be held using this delivery method.

The commission adopts new 30 TAC §30.7(22) to define "pre-recorded training" as training that has been previously recorded or developed through an online platform that is not delivered in person or in real-time. This type of training occurs with a separation of both place and time between the instructor and student.

The commission adopts amended 30 TAC §30.7(20) (now §30.7(24)) to clarify that a "qualified instructor" is an individual that is approved to teach a TCEQ-approved core occupational licensing course.

The commission adopts new 30 TAC §30.7(24) to define "qualified presenter" as an individual that is approved to teach continuing education training. This individual has instructional and

work-related experience, as well as subject matter expertise to answer students' questions and deliver the training.

The commission adopts new 30 TAC §30.7(26) to define "self-paced training delivery method" as training delivered with a separation of time and place between the instructor and learning resources and the learner. The term "self-paced training" replaces the term "distance training."

The commission adopts amended 30 TAC §30.7(23) (now §30.7(28)) to add the term "hands-on" to clarify that a subject matter expert needs hands-on work-related experience.

The commission deletes 30 TAC §30.7(24) to remove the term "technology-based training." The term is no longer relevant and the terms "live-online training" or "self-paced training" replace this term.

The commission adopts amended 30 TAC §30.7(26) (now §30.7(30)) to clarify that a "training provider" refers to an administrative entity and its designated personnel, not just an individual, responsible for delivering the training. This update is meant to clarify that the training provider is the company that develops the training, not the instructor or presenter.

The commission deletes existing 30 TAC §30.7(27) to remove the term "webinar." The term is no longer relevant and has been incorporated into the term "live-online training."

The commission adopts amended the title of 30 TAC §30.14 and §30.14(a) to change "registration" to "company registration" to clarify that this section applies only to company registrations and not individual registrations, which are included in §30.18.

The commission adopts amended 30 TAC §30.14(f) to clarify that an applicant for a new registration must not only resolve outstanding deficiencies, but also notify the executive director that the deficiencies have been resolved, within the established timeframe, before the application is considered expired. The timeframe has been adjusted from 60 to 120 days to be consistent with the timeframe allowed for an applicant for a new license to resolve deficiencies. The term "expired" replaces the term "void" to be consistent with the Occupational Licensing Section's terminology.

The commission adopts amended 30 TAC §30.18 to add "individual registrations" to the title to clarify that the requirements in the section apply to both licenses and individual registrations. Company registrations are covered in §30.164. The commission adopts amended §30.18(a) to add "individual registrations" to the requirement for applications for a license to be made on a standard form. This section requires that the application be submitted prior to taking an exam. Since individual registrations have no examination requirement, "if applicable" was added.

The proposed rulemaking included new 30 TAC §30.18(b) and (c) to require applicants for new licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver. TCEQ is withdrawing these provisions to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

The commission adopts amended 30 TAC §30.18(g) to clarify that an applicant for a new registration must not only resolve deficiencies, but also must notify the executive director that the deficiency has been resolved, within the prescribed timeframe. The term "expired" replaces the term "void" to clarify that an application expires if the deficiencies have not been resolved.

The commission adopts amended 30 TAC §30.20(d) and (e) to replace the term "void" with the term "expired" to clarify that an application expires if the deficiencies have not been resolved. An application expires after 365 days from the approval date of the application or when an applicant fails the same examination four times.

The proposed rulemaking included new 30 TAC §30.24(c) and (d) to require applicants for renewal licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver. TCEQ is withdrawing these provisions to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

The commission adopts amended TAC §30.24(r) to clarify that an applicant for a renewal of a license or registration must not only resolve deficiencies, but also must notify the executive director that the deficiency has been resolved, within the timeframe. The term "expired" replaces the term "void" to be consistent with the Occupational Licensing section's terminology.

The commission adopts amended 30 TAC §30.26(f) to add paragraph (4), as required by SB 422. The amendment requires the executive director to issue a license to a military service member, military veteran, or military spouse that holds a current license in good standing with another jurisdiction that is substantially equivalent within 30 days. Because the legislation requires approval within 30 days of application, the final rule removes (4)(b) to conform to the statute.

The commission adopts amended 30 TAC §30.28(b), (b)(3), and (b)(4) to update the terminology for types of training that the executive director may approve. The term "events" in §30.28(b) has replaced the term "delivery methods" to define the types of training events the executive director may approve. The types of delivery methods that the executive director may approve are included in new §30.28(c). The term "prerecorded training" has replaced the term "technology-based training" and the term "distance training" has been removed to be consistent with the adopted amendments to the definitions in §30.7.

The commission adopts new 30 TAC §30.28(c) to clarify the types of delivery methods for which the executive director may approve training. Training delivery methods include in-person (occurs at the same place and time for the instructor and student), live-online (occurs at the same time for the instructor and student, but not at the same place, and self-paced training (occurs with a separation of both place and time between the instructor and student), as defined in §30.7. Subsequent sections have been renumbered.

The commission adopts amended 30 TAC §30.28(e)(7) (now §30.28(f)(7)) to clarify that a training provider must not only resolve deficiencies, but also must notify the executive director that the deficiency has been resolved, within the 60-day timeframe.

The commission adopts amended 30 TAC §30.28(g) (now §30.28(h)) to the number of core courses for instructor qualifications as a basis for calculating fees for training applications. Separate instructor qualification fees are not required when submitted with an initial training application for a core course. However, after an initial training application is submitted and approved, a \$10 fee per instructor and core course will be assessed.

The commission adopts amended 30 TAC §30.38(h) (now §30.38(i)) to require training providers to verify the identity of

students. Additionally, the amendments replace the term "technology-based" with "self-paced" to be consistent with current training terminology.

The commission also adopts updated Figure: 30 TAC §30.28(g) (now Figure: 30 TAC §30.28(h)) to ensure the fee table for training applications is consistent with the adopted updates to the training terminology. The rows for "technology-based training" and "webinar" have been deleted since these terms have been deleted from this chapter. The new organization of the table makes it clearer which fee applies to which type of training. A new row for Instructor Qualification has been added.

The commission adopts amended 30 TAC §30.28(p) (now §30.28(q)) to remove reference to "webinars" as this term has been deleted in this chapter and the term "distance training" was replaced with "self-paced training." Additionally, the term "live-online" has been added as a type of delivery method that cannot be approved to teach required manual skills.

The commission adopts amended 30 TAC §30.185, Qualification for License Renewal. The amendment reduces the number of continuing education hours required to renew a Leaking Petroleum Storage Tank Project Manager license. Previously, individuals were required to complete 32 hours of continuing education every three years to be eligible to renew their license. The regulated community expressed difficulty in finding training that is approved for continuing education (CE) credit for this particular license. The commission does not develop or offer training for this license, it only approves training for CE credit. TCEQ believes that reducing the required CEs from 32 to 20 will address the lack of available TCEQ-approved training without any detrimental effects on the environment or to public health.

The commission adopts amended 30 TAC §30.340 to implement new TWC §37.0045, Qualifications for Certain Licenses, created by HB 1845. The commission adopts updated Figure: 30 TAC §30.340(a) to add a row for the Provisional Class D License for wastewater operators to the table. The table lists the minimum requirements by wastewater operator license type. The Provisional Class D License has no education or work experience required and has 20 hours of required training.

The commission also adopts updated Figure: 30 TAC §30.340(f) to add the Provisional Class D Wastewater License to the table. The table shows the required courses and elective courses for each type of wastewater operator license. The Provisional Class D Wastewater Operator License requires the Basic Wastewater Operation course and requires no elective courses. The adopted updates also clarify that the Basic Wastewater Operation course is required for Class B and Class A Wastewater Operators. This change provides consistency between the requirements for the Water and Wastewater operators, as Class B and Class A Water Operators are required to take the basic training course as shown in Figure: 30 TAC §30.390(f). This does not change the total hourly requirements for either license level shown in Figure §30.390(a).

The commission deletes 30 TAC §30.342(a)(2) to eliminate the option for licensed wastewater operators to renew their license through examination in lieu of continuing education credits. Previously, licensed wastewater operators could either meet the continuing education requirements or pass the applicable exam again to be eligible to renew their license. The option to renew a license by taking the exam again was offered in the past to all license types, however this option was removed for all other licenses except for water and wastewater operators

and is very rarely used. For consistency, and to ensure that all water operators take the required resiliency CEs, the option to renew through re-examination was discontinued. To maintain consistency, this option was discontinued for wastewater operators as well. Approximately 3 individuals, out of approximately 2,500, used this option to renew a wastewater operation license per year.

The commission adopts new 30 TAC §30.344 to implement new TWC §37.0045, Qualifications for Certain Licenses, as required by HB 1845. The commission adopts §30.344(a) to establish that the Wastewater D Provisional license may be issued to an individual that does not possess a high school diploma or equivalent and has also completed the required training, passed the applicable examination, and acts under the direct supervision of a license holder. The commission adopts §30.344(b) to establish that the provisional license is valid for two years and that the application fee is \$74. The commission adopts §30.344(c) to establish that provisional licenses are not renewable or re-obtainable. The commission adopts §30.344(d) to establish that a provisional license holder whose license expires must submit proof of a high school diploma or equivalent and apply for a Class D operator or higher prior to the expiration date of the provisional license, to be able to continue to work as a licensed wastewater operator. An advantage of applying for the Class D operator prior to the expiration date of the provisional license, is that the individual would not have to retake the Class D Operator exam, as it is the same exam. However, if the provisional license expires before the individual applies for the Class D license, the individual will need to re-test.

The commission adopts amended 30 TAC §30.350(e) to restructure Figure: 30 TAC §30.350(e) to make it easier to determine which license type is required based on the treatment technology and permitted flow. No changes to the requirements were made.

The commission adopts new 30 TAC §30.387(8) and (9) to add definitions for "resiliency continuing education training" and "resiliency overview course." The "resiliency continuing education" refers to any training on resiliency topics that TCEQ approves to count toward the resiliency training that is required to renew a water operator license. The "resiliency overview course" refers to the overview of the resiliency topics, as outlined by the ED, that is required for a new or upgraded water operator license starting on April 1, 2024. The requirement was implemented as part of an agency policy and is being codified in rule through this rulemaking. The resiliency overview course can be taken as a stand-alone course or as part of the Basic Waterworks Operations core course, if the course has been updated to include the resiliency overview topics. Subsequent sections have been renumbered.

The commission adopts amended 30 TAC §30.390 to implement new TWC, §37.0045, Qualifications for Certain Licenses, required by HB 1845, and incorporate the resiliency training requirement, as recommended by the Winter Storm Uri After Action Review. The commission adopts updated Figure: 30 TAC §30.390(a) to add the Provisional Class D License for water operators to the table. The table lists the minimum requirements by water operator license type. The Provisional Class D License has no education or work experience required and has 22 hours of required training. Additionally, the training credit hours required for each license type was increased by 2 to account for the resiliency overview core course requirement. Starting on April 1, 2024, individuals who apply for a new water operator license and

have not taken an updated core course with the resiliency component are required to take the Resiliency Overview Course for an additional two hours. Once the Resiliency Overview Course has been completed, it does not need to be repeated if the individual applies for another license level.

The commission also adopts updated Figure: 30 TAC §30.390(f) to add the Provisional Class D Water Operator License to the table. The table shows the required courses and elective courses for each type of water operator license. The Provisional Class D Water Operator License requires the Basic Waterworks Operation and the Resiliency Overview courses and requires no elective courses. The updated table also adds the Resiliency Overview course as core course requirement for all water operator license levels. This requirement has already been implemented and applies to applications received on or after April 1, 2024. The standalone Resiliency Overview Course is required if the individual did not take the updated Basic Waterworks Operation that incorporates resiliency overview topics into the course.

The commission adopts amended 30 TAC §30.390(g) to clarify that an individual who previously held a Class A, B, or C license would not be eligible to apply for a Class D Water Operator license if the individual currently operates facilities listed in §30.390(g)(1) - (5). This is consistent with the requirements for the Wastewater Operator D license.

The commission adopts amended 30 TAC §30.392 to implement the resiliency requirements for renewing a water operator license, as recommended by the Winter Storm Uri After Action Review. The commission adopts amended §30.392(a)(1) to specify that two of the required 30 CE credit hours must be approved as resiliency training.

The commission deletes 30 TAC §30.392(a)(2) to eliminate the option for licensed water operators to renew their license through examination. Previously, licensed water operators could either meet the continuing education requirements or pass the applicable exam again to be eligible to renew their license. The option to renew a license by taking the exam again was offered in the past to all license types, however this option was removed for all other licenses except for water and wastewater operators. To ensure that all water operators take the required resiliency CEs, the option to renew through re-examination has been discontinued. To maintain consistency, this option will be discontinued for water operators as well. Approximately 5 licensees use this option annually to renew their license.

The commission adopts new 30 TAC §30.392(e) to establish that applicants whose license expires on or after April 1, 2024, are required to take the Resiliency Overview Course as part of the continuing education requirement to renew a license. An individual must take the Resiliency Overview Course once to meet the resiliency training requirement. After that, the individual may repeat the course for continuing education hours. Although not stated in the rule, TCEQ practice allows these individuals two renewal cycles to complete the course. For example, if an individual's license expires on May 1, 2024, that individual would have until the next renewal cycle (May 1, 2027) to take the Resiliency Overview Course.

The commission adopts new 30 TAC §30.394 to implement new TWC, §37.0045, Qualifications for Certain Licenses, as a result of HB 1845. The commission adopts §30.394(a) to establish that the Water Operator D provisional license may be issued to an individual that does not possess a high school diploma or equivalent and has also completed the required training, passed the

applicable examination, and acts under the direct supervision of a license holder. The commission adopts §30.394(b) to establish that the provisional license is valid for two years and that the application fee is \$74. The commission adopts §30.394(c) to establish that provisional licenses are not renewable or reobtainable. The commission adopts §30.394(d) to establish that a provisional license holder whose license expires must submit proof of a high school diploma or equivalent and apply for a Class D operator or higher prior to the expiration date of the provisional license, to be able to continue to work as a licensed water operator. An advantage of applying for the Class D operator prior to the expiration date of the provisional license, is that the individual would not have to retake the Class D Operator exam. However, if the provisional license expires before the individual applies for the Class D license, the individual will need to re-test.

Final Regulatory Impact Determination

The commission reviewed this rulemaking action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the adopted rules are not subject to that statute because the adopted rules do not meet the criteria for "major environmental rules" as defined in Texas Government Code, §2001.0225(g)(3). Texas Government Code, §2001.0225 applies only to rules that are specifically intended to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Texas Government Code, §2001.0225 does not apply because the adopted rules would only modify existing licensing and registration requirements.

The purpose of the adopted rules is to implement HB 1845, HB 2453, and SB 422 (88th Texas Legislature).

The specific intent of the adopted rules is: to ensure consistency between the rules and their applicable statutes as amended by recent legislation; to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent; to issue a digital license or certificate of registration in lieu of a physical paper license; and to allow military service members to engage in a business or occupation for which a license is required, without a Texas license, provided the military service member holds a current license in good standing from another jurisdiction.

Furthermore, even if the adopted rules did meet the definition of a major environmental rule, the adopted rules are not subject to Texas Government Code, §2001.0225, because they do not meet any of the four applicability requirements specified in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225(a) applies to rules adopted by an agency, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

In this case, the adopted rules do not meet any of these requirements: there are no federal standards for the occupational licenses and registrations program administered by the commis-

sion; the rules do not exceed an express requirement of state law; there is no delegation agreement that would be exceeded by the rules; and the adopted rules would implement HB 1845 and HB 2453 and SB 422 (88th Texas Legislature).

Written comments on the Draft Regulatory Impact Analysis Determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period. No comments were received on the regulatory impact analysis.

Takings Impact Assessment

The commission has prepared a takings impact assessment for these adopted rules pursuant to Texas Government Code, §2007.043. The specific purpose of these adopted rules is: to ensure consistency between the rules and their applicable statutes as amended by recent legislation; to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent; to issue a digital license or certificate of registration in lieu of a physical paper license; and to allow military service members to engage in a business or occupation for which a license is required, without a Texas license, provided the military service member holds a current license in good standing from another jurisdiction.

The adopted regulations do not affect a landowner's rights in private real property because this adopted rulemaking does not burden, restrict, or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulations. The adopted rules do not constitute a taking because they would not burden private real property.

Consistency with the Coastal Management Program

The commission reviewed the adopted rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(a)(6). Therefore, the adopted rules are not subject to the Texas Coastal Management Program (CMP).

The commission invited public comment regarding the consistency with the coastal management program during the public comment period. No comments were received regarding the CMP.

Public Comment

The commission offered a public hearing on October 10, 2024. The comment period closed on October 14, 2024. The commission received comments from five individuals. One commenter expressed support for implementing HBs 1845 and 2453, the resiliency requirement, reducing the CE credit requirement for the Leaking Petroleum Storage Tank Project Manager license, and updating training terminology. Four of the commenters were against the fingerprinting requirement, one was against the resiliency requirement for renewing a license, and one was against the provisional license. One commenter suggested that fingerprinting should not be required for individuals that have undergone fingerprinting for another state agency.

Response to Comments

Comment 1

Four individuals commented that they are against the fingerprinting requirement for occupational licensing. One also commented that the fingerprinting requirement is an unnecessary extra step, especially for renewal applicants. Another also commented that they work at a rural water supply that is located 90 miles from the closest FBI fingerprinting office and that the fingerprinting requirement would cause hardship for individuals trying to obtain new and renewal licenses. It was also commented that TCEQ already has licensee's social security number on file.

Response 1

TCEQ is withdrawing the provisions requiring applicants for new and renewal licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

Comment 2

One individual recommended that the TCEQ allow individuals that have a license to carry (LTC) or an engineering license, which both require fingerprinting and background checks, should not be required to undergo the fingerprinting requirement with TCEQ. They stated that, as the holder of an LTC, they can purchase a firearm without having to undergo fingerprinting and a background check and expressed concern as to why they need to undergo fingerprinting when it has already been accomplished through another state program.

Response 2

TCEQ is withdrawing the provisions requiring applicants for new and renewal licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

Comment 3

One individual commented that they are in support of the resiliency requirement for new operators, but not for current operators.

Response 3

In the aftermath of Winter Storm Uri, TCEQ was tasked to conduct an "after-action review" to evaluate the factors that impacted public water systems during the Winter Storm. The project team engaged stakeholders from the private and public sectors to discuss a variety of topics to enhance critical infrastructure resilience. One of the recommendations that came out of the after-action review was to require all public water system operators to take resiliency training. This requirement has already been implemented and applies to applications received on or after April 1, 2024.

The resiliency training requirement will assist licensed operators, public water systems, and affected utilities prepare for, respond to, and recover from severe weather-related events. The resiliency training requirement is intended for an operator to get an introduction to resiliency, through the Resiliency Overview course. After that, a minimum of two hours of resiliency training will be required to renew all Water Operator licenses of any level. Of the 30 continuing education (CE) hours required to renew a water operator license, at least two CE hours must be

approved as resiliency training. The renewal resiliency training will provide a more in-depth coverage of one or more of the resiliency topics with the intention that overtime operators will gain in-depth knowledge on all resiliency topics and stay up to date throughout their career as a licensed operator.

Comment 4

One individual commented that they are against allowing individuals without a high school diploma or equivalent from obtaining a water or wastewater license.

Response 4

The provisional licenses for water and wastewater operators are statutorily required and TCEQ is required to implement it. House Bill 1845 amended TWC Chapter 37, Occupational Licensing and Registration, to add TWC §37.0045 which requires the commission to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent. TCEQ is amending 30 TAC Chapter 30 to meet this statutory requirement.

Comment 5

One individual commented that they are not opposed to implementing House Bills 1845 and 2453, the resiliency requirement, reducing the CE credit requirement for the Leaking Petroleum Storage Tank Project Manager license, or updating training terminology.

Response 5

The agency acknowledges the support.

SUBCHAPTER A. ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS

30 TAC §§30.5, 30.7, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28

Statutory Authority

These amendments are adopted under the authority granted to the Texas Commission on Environmental Quality (commission) in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

These amendments are also adopted under TWC, §37.002, which provide the commission's specific authority to adopt rules governing occupational licenses and registrations; TWC, §§26.0301, 37.003, 37.005, and 37.006; Texas Health and Safety Code, §§341.033, 341.034, 361.027, and 366.071, and Texas Occupations Code (TOC), §1903.251.

The adopted rules implement TWC, §37.045 as added by House Bill (HB) 1845; 30 TOC, §60.002 as added by HB 2453; and 30 TOC, §55.0041 and §55.005(a) as amended by Senate Bill 422.

§30.18. *Applications for an Initial License and Individual Registrations.*

(a) Applications for initial licenses and individual registrations shall be made on a standard form provided by the executive director. The application must be submitted to the executive director with the fee according to §30.30 of this title (relating to Terms and Fees for Licenses

and Registrations). The application must be submitted to the executive director before the applicant may take the examination, if applicable.

(b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.

(c) An approved application shall be valid for one year from the date of application approval.

(d) All statements and qualifications provided by each applicant or on the behalf of the applicant are subject to verification by the executive director.

(e) All statements, qualifications, and attachments provided by the applicant relating to an application shall be true, accurate, complete, and contain no misrepresentation or falsification.

(f) Misrepresentation or falsification of any information may be grounds for denial of an application and for enforcement action.

(g) All applications must be completed in full. All deficiencies must be resolved, and the applicant must notify the executive director that the deficiency has been resolved, within 120 days of notification, or the application shall be considered expired.

(h) An applicant must furnish evidence of any training credit, proof of education, or work experience when requested. Diplomas from non-accredited high schools will be evaluated by the executive director on a case-by-case basis and will be considered based on the following submitted information:

- (1) transcript;
- (2) documentation of actual coursework;
- (3) time spent on coursework or program; and

(4) any additional documentation the executive director might reasonably request or that would assist the applicant in demonstrating the proof of their education claim.

(i) The executive director shall determine whether an applicant meets the requirements of this subchapter. If all requirements have been met, the executive director shall issue the license. The license shall be valid for the term specified in Subchapters B - L of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators, Irrigation Technicians, and Irrigation Inspectors; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, Maintenance Technicians, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; Public Water System Operators and Operations Companies; and Visible Emissions Evaluator Training and Certification, respectively.) The effective date of the license shall be the date the executive director issues the license.

§30.24. License and Registration Applications for Renewal.

(a) A license or registration may not be renewed if it has been:

(1) expired for more than 30 days and an application has not been received by the executive director or postmarked within 30 days after the expiration date of the license or registration;

(2) revoked; or

(3) replaced by a higher class of license.

(b) Applications for renewal must be made on a standard form provided by the executive director.

(1) The executive director shall mail a renewal notification at least 60 days before the license or registration expires to the most recent address provided to the executive director. If a person does not receive a renewal notification, the person is not relieved of the responsibility to timely submit a renewal application.

(2) The person is responsible for ensuring that the completed renewal application, the renewal fee, and other required information are submitted to the executive director by the expiration date of the license or registration.

(c) All statements, qualifications, and attachments provided by the applicant that relate to a renewal application shall be true, accurate, complete, and contain no misrepresentation or falsification.

(d) Approved training to renew a license must be successfully completed after the issuance date and before the expiration date of the current license. Any training credits completed in excess of the amount required for the renewal period shall not be carried over to the next renewal period.

(e) An individual who holds a license prescribed by Texas Water Code, §26.0301, or Texas Health and Safety Code, §341.033 or §341.034, specifically the holder of a Class A or Class B public water system operator or Class A or B wastewater treatment facility operator license may certify compliance with continuing education requirements prior to or at the time the license is renewed by submitting a continuing education certification form available from the executive director.

(f) The executive director may renew a license or registration if the application is received by the executive director or is postmarked within 30 days after the expiration date of the license or registration, and the person meets the requirements for renewal by the expiration date of the license or registration and pays all appropriate fees. This subsection does not extend the validity period of the license or registration nor grant the person authorization to perform duties requiring a license or registration. This subsection only allows an additional 30 days after the expiration of the license or registration for the person to submit the renewal application, any supporting documentation, and appropriate fees.

(g) An individual whose license renewal application is not received by the executive director or is not postmarked within 30 days after the license expiration date may not renew the license and must meet the current education, training, and experience requirements, submit a new application with the appropriate fee, and pass the examination. A person whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the expiration date may not renew the registration and must submit a new application with the appropriate fee and meet all applicable requirements for a new registration.

(h) Persons failing to renew their license or registration in a timely manner due to serving as a military service member may renew their license within two years of returning from active duty by submitting the following:

(1) a completed renewal application;

(2) a copy of the military orders substantiating the military service during the time the license expired; and

(3) the applicable license renewal fee.

(i) For good cause the executive director may extend the two years period for a military service member seeking to renew their license. Good cause may include, but is not limited to, hospitalization or injury to the licensee.

(j) Completion of the required continuing education will be waived for the renewal cycle for military service members outside of this state who were unable to complete the requirements.

(k) These procedures apply only to military service members who are outside this state and not to military contractors.

(l) All licensees must notify the executive director of any change in the previously submitted application information within ten days from the date the change occurs.

(m) All registration holders must notify the executive director of any change in the previously submitted application information within ten days after the month in which the change occurs.

(n) Licenses and registrations that have renewal cycles in transition shall follow the renewal requirements in the applicable subchapter.

(o) The executive director shall determine whether an applicant meets the renewal requirements of this subchapter. If all requirements have been met, the executive director shall renew the license or registration.

(p) The license or registration shall be valid for the term specified.

(q) If the application does not meet the requirements, the executive director shall notify the applicant in writing of the deficiencies.

(r) All deficiencies must be resolved, and the applicant must notify the executive director that the deficiency has been resolved within 30 days of date printed on the notification, or the renewal application shall be considered expired after the license expiration date.

(s) A person whose license or registration has expired shall not engage in activities that require a license or registration until the license or registration is renewed or a new license or registration has been obtained.

(t) The commission shall follow the notification requirements in §30.36 of this title (relating to Notice) prior to denying an individual the opportunity to renew a license based on the individual's prior conviction of an offense.

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

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Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

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For further information, please call: (512) 239-2678



SUBCHAPTER E. LEAKING PETROLEUM STORAGE TANK CORRECTIVE ACTION PROJECT MANAGERS AND SPECIALISTS

30 TAC §30.185

Statutory Authority

These amendments are adopted under the authority granted to the commission in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

These adopted rules incorporate additional recommended changes to 30 TAC 30.

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

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SUBCHAPTER J. WASTEWATER OPERATORS AND OPERATIONS COMPANIES

30 TAC §§30.340, 30.342, 30.344, 30.350

Statutory Authority

These amendments are adopted under the authority granted to the commission in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

The adopted rules implement TWC, §37.0045 as added by HB 1845.

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

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SUBCHAPTER K. PUBLIC WATER SYSTEM OPERATORS AND OPERATIONS COMPANIES

30 TAC §§30.387, 30.390, 30.392, 30.394

Statutory Authority

These amendments are adopted under the authority granted to the commission in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

The adopted rules implement TWC, §37.0045 as added by HB 1845.

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

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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 State Health 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, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. Certain rules in Texas Administrative Code, Title 25, Part 1, Chapter 417, Agency and Facility Responsibilities, Subchapter A, Standard Operating Procedures, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 910, State Facility Business Operations, Subchapter D, Personal Funds of Individuals Served in State Hospitals; Subchapter E, Personal Property of Individuals Served in State Hospitals; and Subchapter F, Fees for Guests of Individuals Served by State Facilities.

The rules will be transferred in the Texas Administrative Code effective April 11, 2025.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 417, Subchapter A

TRD-202500777

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, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. Certain rules in Texas Administrative Code, Title 25, Part 1, Chapter 417, Agency and Facility Responsibilities, Subchapter A, Standard Operating Procedures, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 910, State Facility Business Operations, Subchapter D, Personal Funds of Individuals Served in State Hospitals; Subchapter E, Personal Property of Individuals Served in State Hospitals; and Subchapter F, Fees for Guests of Individuals Served by State Facilities.

The rules will be transferred in the Texas Administrative Code effective April 11, 2025.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 417, Subchapter A

TRD-202500778

Figure: 25 TAC Chapter 417, Subchapter A

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 417. Agency and Facility Responsibilities	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 910. State Facility Business Operations
Subchapter A. Standard Operating Procedures	Subchapter D. Personal Funds of Individuals Served in State Hospitals
§417.4. Definitions.	§910.151. Definitions.
§417.28. Investing Department Funds.	§910.153. Investing Funds.
§417.39. Protecting an Individual's Personal Funds.	§910.155. Protecting an Individual's Personal Funds.
§417.40. Notice Regarding Personal Funds.	§910.157. Notice Regarding Personal Funds.
§417.41. Determining Management of Personal Funds.	§910.159. Determining Management of Personal Funds.
§417.42. SMHF-Managed Personal Funds.	§910.161. State Hospital Managed Personal Funds.
§417.43. Requests for Personal Funds from Trust Fund Accounts.	§910.163. Requests for Personal Funds from Trust Fund Accounts.
§417.44. Returning Individual's Personal Funds on Discharge.	§910.165. Returning an Individual's Personal Funds on Discharge.
§417.45. Unclaimed Personal Funds and Property.	§910.167. Unclaimed Personal Funds and Property.
§417.46. Contributions.	§910.169. Contributions.
Subchapter A. Standard Operating Procedures	Subchapter E. Personal Property of Individuals Served in State Hospitals
§417.38. Individual's Personal Property.	§910.200. An Individual's Personal Property.
Subchapter A. Standard Operating Procedures	Subchapter F. Fees for Guests of Individuals Served by State Facilities
§417.15. Family Members and Guests of an Individual Receiving Services.	§910.251. Fees for Guests of Individuals Served by State Facilities for Overnight Accommodations.

Department of State Health 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, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. Certain DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 417, Agency and Facility Responsibilities, Subchapter K, Abuse, Neglect, and Exploitation in TDMHMR Facilities, that are related to these transferred functions, are being transferred to

HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 926, State Facility Requirements to Enhance the Safety of Individuals Receiving Services, Subchapter D, Abuse, Neglect, and Exploitation at State Hospitals. Subchapter C in Chapter 926 is also being renamed from Abuse, Neglect, and Exploitation at State Facilities to Abuse, Neglect, and Exploitation at State Supported Living Centers.

The rules will be transferred in the Texas Administrative Code effective April 11, 2025.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 417, Subchapter K

TRD-202500775



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, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. Certain DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 417, Agency and Facility Responsibilities, Subchapter K, Abuse, Neglect, and Exploitation in TDMHMR Facilities, that are related to these transferred functions, are being transferred to

HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 926, State Facility Requirements to Enhance the Safety of Individuals Receiving Services, Subchapter D, Abuse, Neglect, and Exploitation at State Hospitals. Subchapter C in Chapter 926 is also being renamed from Abuse, Neglect, and Exploitation at State Facilities to Abuse, Neglect, and Exploitation at State Supported Living Centers.

The rules will be transferred in the Texas Administrative Code effective April 11, 2025.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 417, Subchapter K

TRD-202500776

Figure: 25 TAC Chapter 417, Subchapter K

<p>Current Rules Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 926. State Facility Requirements to Enhance the Safety of Individuals Receiving Services Subchapter C. Abuse, Neglect, and Exploitation at State Facilities</p>	<p>Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 926. State Facility Requirements to Enhance the Safety of Individuals Receiving Services Subchapter C. Abuse, Neglect, and Exploitation at State Supported Living Centers</p>
<p>Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 417. Agency and Facility Responsibilities Subchapter K. Abuse, Neglect, and Exploitation in TDMHMR Facilities</p>	<p>Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 926. State Facility Requirements to Enhance the Safety of Individuals Receiving Services Subchapter D. Abuse, Neglect, and Exploitation at State Hospitals</p>
§417.501. Purpose.	§926.151. Purpose.
§417.502. Application.	§926.153. Application.
§417.503. Definitions.	§926.155. Definitions.
§417.505. Reporting Responsibilities of All TDMHMR Employees, Agents, and Contractors: Reports to Texas Department of Protective and Regulatory Services (TDPRS).	§926.157. Reporting Responsibilities of All TDMHMR Employees, Agents, and Contractors: Reports to Texas Department of Protective and Regulatory Services (TDPRS).
§417.507. Prohibition Against Retaliatory Action.	§926.159. Prohibition Against Retaliatory Action.
§417.508. Responsibilities of the Head of the Facility.	§926.161. Responsibilities of the Head of the Facility.
§417.510. Completion of the Investigation.	§926.163. Completion of the Investigation.
§417.511. Confidentiality of Investigative Process and Report.	§926.165. Confidentiality of Investigative Process and Report.
§417.512. Classifications and Disciplinary Actions.	§926.167. Classifications and Disciplinary Actions.
§417.513. Contractors.	§926.169. Contractors.



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.

Proposed Rule Reviews

State Board for Educator Certification

Title 19, Part 7

The State Board for Educator Certification (SBEC) proposes the review of 19 Texas Administrative Code (TAC) Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility, pursuant to Texas Government Code (TGC), §2001.039.

As required by TGC, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 227, Subchapters A and B, continue to exist.

The comment period on the review of 19 TAC Chapter 227, Subchapters A and B, begins March 14, 2025, and ends April 14, 2025. A form for submitting public comments on the proposed rule review is available on the Texas Education Agency (TEA) website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/State_Board_for_Educator_Certification_Rule_Review/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/State_Board_for_Educator_Certification_Rule_Review/). The SBEC will take registered oral and written comments on the review of 19 TAC Chapter 227, Subchapters A and B, during the April 25, 2025, meeting's public comment period in accordance with the SBEC board operating policies and procedures.

TRD-202500763

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: March 3, 2025



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of Chapter 30, Subchapters A and B, in the December 20, 2024 issue of the *Texas Register* (49 TexReg 10393).

The SBOE finds the reasons for adopting Chapter 30, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapters A and B. No changes are necessary as a result of the review.

This concludes the review of Chapter 30.

TRD-202500788

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: March 4, 2025



The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 30, Administration, Subchapter AA, Commissioner of Education: General Provisions, and Subchapter BB, Commissioner of Education: Purchasing and Contracts, pursuant to Texas Government Code, §2001.039. The TEA proposed the review of 19 TAC Chapter 30, Subchapters AA and BB, in the December 20, 2024 issue of the *Texas Register* (49 TexReg 10393).

Relating to the review of 19 TAC Chapter 30, Subchapters AA and BB, TEA finds that the reasons for adopting these subchapters continue to exist and readopts the rules. TEA received no comments related to the review of Subchapters AA and BB. No changes are necessary as a result of the review.

TRD-202500787

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: March 4, 2025



Texas Department of Public Safety

Title 37, Part 1

Pursuant to the notice of proposed rule review published in the April 1, 2022, issue of the *Texas Register* (47 TexReg 1701), the Texas Department of Public Safety (the department) has reviewed and considered for readoption, revision or repeal all sections of the following chapters of Title 37, Part I of the Texas Administrative Code, in accordance with Texas Government Code, §2001.039: Chapter 1 (Organization and Administration); Chapter 5 (Criminal Law Enforcement); Chapter 10 (Ignition Interlock Device); Chapter 12 (Compassionate-Use/Low-THC Cannabis Program); Chapter 17 (Administrative License Revocation); Chapter 19 (Breath Alcohol Testing Regulations); Chapter 21 (Equipment and Vehicle Standards); Chapter 27 (Crime Records); Chapter 29 (Practice and Procedure); and Chapter 36 (Metals Recycling Entities).

The department has completed its review and determined that the reasons for originally adopting these rules continue to exist. As a result of the rule review process, the department may propose revisions to its rules when appropriate and necessary. Any future proposed changes to

the rules will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment prior to final adoption by the department in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

The department accepted comments on the rule review published in the April 1, 2022, issue of the *Texas Register* (47 TexReg 1701) through Monday, May 2, 2022. The department received no written comments regarding the review of 37 TAC Part I, Chapters 1, 5, 17, 19, 21, 27, 29, and 36. The department did receive comments regarding the review of Chapters 10 and 12.

The department received written comments from a company regarding 37 TAC Chapter 10, Ignition Interlock. The comments included suggestions to exclude alcohol reference solutions for the calibration of ignition interlock devices and to change the application for and revocation of ignition interlock device approval requirements. The department does not anticipate making changes to the rules based upon these comments, but any future proposed changes made as the result of comments received would be published in the Proposed Rules section of the *Texas Register* and open for public comment prior to final adoption by the department in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

The department also received written comment from over 75 individuals and companies regarding 37 TAC Chapter 12, Compassionate-Use/Low-THC Cannabis Program. Additionally, public comments were made at the department's Public Safety Commission meeting on August 25, 2022. In response to the interest in the Compassionate-Use/Low-THC Cannabis Program, an advisory working group was created and 10 individuals were selected, including an additional public position. Additionally, the department contracted with Weeds, Inc., a medical cannabis consulting firm, to conduct an objective, in-depth analysis of CUP's sufficiency. In the report, located at: <https://www.dps.texas.gov/sites/default/files/documents/rsd/cup/docs/cupAccessibiltyRecommendations.pdf>, Weeds, Inc. offers a series of recommendations including ways to increase accessibility and availability of the program in Texas.

At this time, given that the 89th Texas Legislature is in session, the department will not be recommending any changes to 37 TAC Chapter 12, Compassionate-Use/Low-THC Cannabis Program. The report was

provided to state lawmakers in the executive and legislative branches to determine what changes to the program, if any, may be warranted in the future. Any future proposed changes made as the result of changes made during the 89th Texas Legislature to 37 TAC Chapter 12 will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment prior to final adoption by the department in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

This concludes the department's review of 37 TAC Part I, Chapters 1, 5, 10, 12, 17, 19, 21, 27, 29, and 36.

TRD-202500772
D. Phillip Adkins
General Counsel
Texas Department of Public Safety
Filed: March 3, 2025



Texas Juvenile Justice Department

Title 37, Part 11

In accordance with §2001.039, Government Code, the Texas Juvenile Justice Department (TJJD) has completed its review of 37 TAC, Part 11, Chapter 359, Memorandums of Understanding. TJJD published its Notice of Intent to Review this chapter in the January 31, 2025, issue of the *Texas Register* (50 TexReg 667). TJJD received no public comments on the proposed rule review.

As a result of the review, TJJD has determined that the original reasons for adopting Chapter 359 continue to exist and readopts the chapter without amendments.

This concludes TJJD's review of 37 TAC, Part 11, Chapter 359.

TRD-202500800
Jana Jones
General Counsel
Texas Juvenile Justice Department
Filed: March 5, 2025



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 22 TAC §781.805

Rule	Level 1: Revocation (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 2: Suspension (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 3: Probated Suspension (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 4: Reprimand (Administrative Penalty: not less than \$250; no more than \$5,000 per day)
§781.301(1)			X	
§781.301(2)				X
§781.301(3)			X	
§781.301(5)				X
§781.301(6)				X
§781.301(7)				X
§781.301(8)				X
§781.301(9)	X			
§781.301(10)		X		
§781.301(11)			X	
§781.301(12)				X
§781.301(13)				X
§781.302			X	
§781.303(1)				X
§781.303(2)				X
§781.303(3)				X
§781.303(4)			X	
§781.303(5)	X			
§781.303(6)	X			
§781.303(7)				X
§781.303(8)			X	
§781.303(9)				X
§781.304(a)				X
§781.304(b)		X		
§781.304(c)			X	
§781.304(d) and (p)				X
§781.304(e), (l), and (q)				X
§781.304(f)				X
§781.304(g)				X
§781.304(h)				X
§781.304(i)				X
§781.304(j)			X	
§781.304(m)				X

§781.304(n)			X	
§781.304(o)				X
§781.305(b) and (c)	X			
§781.305(g)(1)-(4)			X	
§781.306(a) and (b)				X
§781.307(a)				X
§781.307(b)				X
§781.307(c)			X	
§781.308		X		
§781.309(1) and (4)				X
§781.309(2)			X	
§781.309(3)				X
§781.309(5)				X
§781.309(6)				X
§781.310(a) and (b)		X		
§781.310(c) and (e)			X	
§781.310(d)				X
§781.311(b) and (g)				X
§781.311(c) and (d)				X
§781.311(e)				X
§781.311(f)(1-4)			X	
§781.312(b)				X
§781.316(a), (c), and (d)				X
§781.317(a)				X
§781.317(b)			X	
§781.320(e)			X	
§781.321(d)			X	
§781.321(ff)			X	
§781.322(f)			X	
§781.322(g)		X		
§781.322(h)(1) and (2)				X
§781.322(i)			X	
§781.404(b)(1)			X	
§781.404(b)(7)		X		
§781.404(b)(8)(A)				X
§781.404(b)(8)(C)				X

§781.404(b)(8)(E) and (L)				X
§781.404(b)(8)(F)				X
§781.404(b)(8)(H)			X	
§781.404(b)(8)(J)		X		
§781.404(b)(8)(K)				X
§781.404(b)(8)(M)		X		
§781.404(b)(8)(N) and (O)	X			
§781.404(b)(8)(P)				X
§781.404(b)(9)(G)				X
§781.404(b)(10)(B)			X	

Figure: 40 TAC §374.1(c)

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p><u>Failing to document occupational therapy services or inaccurately recording, falsifying, or altering client records</u> [Impersonating another person holding an occupational therapy license or allowing another person to use his or her license]</p>	<p>Sec. 454.301(a)(6) [Sec. 454.204] §374.2(1)</p>	<p>30-45 day license suspension +up to \$150 [100] per violation per day [Cease and desist letter to the impersonator]</p>	<p>[45] 60-90 day license suspension +up to \$200 [150] per violation per day</p>	<p>Revocation or Surrender of license +up to \$200 per violation per day</p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>
<p><u>Making or filing a false or misleading report, or failing to file a report when it is required by law or third person or obstructing or attempting to obstruct another person from filing such a report</u> [Using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession, as a science, or as a means for promoting the public health and welfare]</p>	<p>Sec. 454.301(a)(6) §374.2(2)</p>	<p>30-45 day license suspension [30-60 hours community service] +up to \$150 [100] per violation per day</p>	<p>[30-] 60-90 day license suspension +up to \$200 [150] per violation per day</p>	<p>Revocation or Surrender of license +up to \$200 per violation per day</p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>
<p><u>Failing to report or otherwise concealing any conduct by self or another licensee likely to be a violation of the Act or Rules</u> [Failing to report or otherwise concealing information related</p>	<p>Sec. 454.301(a)(6) §374.2(3)</p>	<p>30-45 day license suspension [30-60 hours community service] +up to \$150 [100] per violation per day</p>	<p>[30-] 60-90 day license suspension +up to \$200 [150] per violation per day</p>	<p>Revocation or Surrender of license +up to \$200 per violation per day</p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
to violations of the Act, or rules and regulations pursuant to the Act, which could therefore result in harm to the public health and welfare or damage the reputation of the profession]					
<u>Drug diversion. In this paragraph, "drug diversion" refers to when a medication is diverted from the person to whom it was prescribed [Intentionally making or filing a false or misleading report, or failing to file a report when it is required by law or third person, or intentionally obstructing or attempting to obstruct another person from filing such a report]</u>	Sec. 454.301(a)(6) §374.2(4)	<u>30-45 day license suspension with restricted practice [30-60 hours community service]</u> +up to \$150 [400] per violation <u>per day</u>	[30- 60-90 day license suspension <u>with restricted practice</u> +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Not providing the supervision required by the Act and Rules for those individuals to whom occupational therapy services are delegated [Intentionally harassing, abusing, or intimidating a patient either physically or verbally]</u>	Sec. 454.301(a)(6) §374.2(5)	<u>30-45 day license suspension [30-60 hours community service]</u> +up to \$150 [400] per violation <u>per day</u>	[30- 60-90 day license suspension [<u>with restricted Practice</u>] +up to \$200 [450] per violation <u>per day</u> [; referral for criminal investigative entity]	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Practicing occupational therapy without receiving the supervision required by the Act and Rules</u>	Sec. 454.301(a)(6) §374.2(6)	30-60 hours community service +up to \$150 [400] per violation <u>per day</u>	30-60 day license suspension +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p>[Intentionally or knowingly offering to pay or agreeing to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting patients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under the Texas Health and Safety Code, §§161.091–161.094, the Social Security Act, §1128B, 42 United States Code 1320a-7b, or the Social Security Act, §1877, 42 United States Code 1395nn or its regulations]</p>					<p>situation, repeat of violation, or development.</p>
<p><u>Impersonating another person holding a license; aiding, abetting, authorizing, condoning, or allowing the practice of occupational therapy or the representation of oneself as an occupational therapy practitioner by a person without a license; or aiding,</u></p>	<p>Sec. 454.301(a)(6) §374.2(7)</p>	<p><u>30-45 day license suspension</u> [30-60 hours community service] +up to \$150 [400] per violation <u>per day</u></p>	<p>[30-] <u>60-90 day license suspension</u> +up to \$200 [450] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p><u>abetting, authorizing, condoning, or allowing the use of a license by a person other than the holder of the license</u> [Recommending or prescribing therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from the third person; to and including 30 days-]</p>					
<p><u>Practicing occupational therapy or representing oneself in a manner not authorized by the license</u> [Breaching the confidentiality of the patient/therapist relationship]</p>	<p>Sec. 454.301(a)(6) §374.2(8)</p>	<p>30-60 hours community service +up to \$150 [400] per violation <u>per day</u></p>	<p>30-60 day license suspension +up to \$200 [450] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>
<p><u>Failing to cooperate with the agency by not responding to agency correspondence addressed to the individual's designated address(es) or by not furnishing papers or documents requested or not responding to subpoenas issued by the agency within 90 days</u> [Failing to obtain informed consent</p>	<p>Sec. 454.301(a)(6) §374.2(9)</p>	<p><u>15-30 day license suspension</u> [30-60 hours community service] [and additional course in ethics] +up to \$150 [400] per violation <u>per day</u></p>	<p>[30-60] <u>45-90 day license suspension</u> [and additional course in ethics] +up to \$200 [450] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p>prior to engaging in scientific research involving patients, or otherwise violating ethical principles of research as defined by the TBOTE Code of Ethics, §374.4 of this title (relating to Code of Ethics), or other occupational therapy standards]</p>					
<p><u>Failing to complete the requirements of an agreed order</u> [Practicing occupational therapy after the expiration of a temporary, provisional, or regular license]</p>	<p>Sec. 454.301(a)(6) §374.2(10)</p>	<p><u>30-45 day license suspension</u> [30-60 hours community service] +up to \$150 [100] per violation <u>per day in addition to the incomplete requirements from previous agreed order(s) and previous fines</u></p>	<p>[30- <u>60-90</u> day license suspension +up to \$200 [150] per violation <u>per day in addition to the incomplete requirements from previous agreed order(s) and previous fines</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>
<p><u>Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or Board or by the use of threats, intimidation, or harassment against any clients or witnesses with the potential of preventing them from providing evidence in a disciplinary proceeding or any other legal action</u> [Violation of Chapter 373 of this title (relating to Supervision)]</p>	<p>Sec. 454.301(a)(6) §374.2(11)</p>	<p><u>30-45 day license suspension</u> [30-60 hours community service] +up to \$150 [100] per violation <u>per day</u></p>	<p>[30- <u>60-90</u> day license suspension +up to \$200 [150] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p><u>Practicing occupational therapy without a valid license, including after the expiration, surrender, or revocation of the license, during the suspension of the license, or after the license is void</u> [Advertising in a manner which is false, misleading, or deceptive / Advertised in a manner that in any way tends to deceive or defraud the public]</p>	<p>Sec. 454.301(a)(6) §374.2(12) [Sec. 454.301(7)]</p>	<p>[Letter to cease and desist, if licensed,] 30-60 hours community service or <u>15-45 day suspension</u> +up to \$150 [400] per violation <u>per day</u></p>	<p>[Letter to cease and desist, if licensed, 30-] <u>60-90 day license suspension</u> +up to \$200 [150] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>
<p><u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession or science or as a means of promoting the public health and welfare</u> [Failing to give sufficient prior written notice of resignation of employment (or termination of contract) resulting in loss or delay of patient treatment for those patients/clients under the licensee's care]</p>	<p>Sec. 454.301(a)(6) §374.2(13)(A)</p>	<p><u>15-30 day license suspension</u> [30-60 hours community service] +up to \$150 [400] per violation <u>per day</u></p>	<p>[30-60] <u>45-90 day license suspension</u> +up to \$200 [150] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p><u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, delegating, performing, or attempting to perform techniques or procedures in which one is untrained by education or experience</u></p>	<p><u>Sec. 454.301(a)(6) §374.2(13)(B)</u></p>	<p><u>15-30 day license suspension +up to \$150 per violation per day</u></p>	<p><u>45-90 day license suspension +up to \$200 per violation per day</u></p>	<p><u>Revocation or Surrender of license +up to \$200 per violation per day</u></p>	<p><u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u></p>
<p><u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, delegating occupational therapy functions or responsibilities to an individual lacking the competency to perform such</u></p>	<p><u>Sec. 454.301(a)(6) §374.2(13)(C)</u></p>	<p><u>15-30 day license suspension +up to \$150 per violation per day</u></p>	<p><u>45-90 day license suspension +up to \$200 per violation per day</u></p>	<p><u>Revocation or Surrender of license +up to \$200 per violation per day</u></p>	<p><u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u></p>
<p><u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, harassing, abusing, or intimidating a client either physically or verbally</u></p>	<p><u>Sec. 454.301(a)(6) §374.2(13)(D)</u></p>	<p><u>15-30 day license suspension with restricted practice +up to \$150 per violation per day</u></p>	<p><u>45-90 day license suspension with restricted practice +up to \$200 per violation per day</u></p>	<p><u>Revocation or Surrender of license +up to \$200 per violation per day</u></p>	<p><u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u></p>
<p><u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, causing or enabling physical or emotional injury to</u></p>	<p><u>Sec. 454.301(a)(6) §374.2(13)(E)</u></p>	<p><u>15-30 day license suspension with restricted practice +up to \$150 per violation per day</u></p>	<p><u>45-90 day license suspension with restricted practice +up to \$200 per violation per day</u></p>	<p><u>Revocation or Surrender of license +up to \$200 per violation per day</u></p>	<p><u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u></p>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<u>or the impairment of the dignity or safety of the client</u>					
<u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, violating the principles or related standards of conduct of §374.4 of this title (relating to Code of Ethics)</u>	Sec. 454.301(a)(6) §374.2(13)(F) §374.4	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to, engaging in inappropriate behavior with or comments directed toward a client [Failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with HIPAA regulations]</u>	Sec. 454.301(a)(6) §374.2(14)(A)	30-45 day license suspension with restricted practice [30-60 hours community service] +up to \$150 [400] per violation per day	[30-] 60-90 day license suspension with restricted practice +up to \$200 [150] per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to, becoming financially or personally involved in an inappropriate manner with a client</u>	Sec. 454.301(a)(6) §374.2(14)(B)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Intentionally or knowingly offering to pay or agreeing to accept any remuneration</u>	Sec. 454.301(a)(6) §374.2(15)	30-45 day license suspension with restricted practice +up to	60-90 day license suspension with restricted practice +up	Revocation or Surrender of license +up to \$200	Alternative disciplinary decisions or pursuing other courses of action

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p><u>directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting clients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under 42 United States Code §1320a-7b(b) or its regulations</u></p>		<p><u>\$150 per violation per day</u></p>	<p><u>to \$200 per violation per day</u></p>	<p><u>per violation per day</u></p>	<p><u>may depend on the nature of the situation, repeat of violation, or development.</u></p>
<p><u>Recommending therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from a third person</u></p>	<p><u>Sec. 454.301(a)(6) §374.2(16)</u></p>	<p><u>30-45 day license suspension +up to \$150 per violation per day</u></p>	<p><u>60-90 day license suspension +up to \$200 per violation per day</u></p>	<p><u>Revocation or Surrender of license +up to \$200 per violation per day</u></p>	<p><u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u></p>
<p><u>Failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with Health Insurance Portability and Accountability Act (HIPAA) regulations</u></p>	<p><u>Sec. 454.301(a)(6) §374.2(17)</u></p>	<p><u>30-45 day license suspension +up to \$150 per violation per day</u></p>	<p><u>60-90 day license suspension +up to \$200 per violation per day</u></p>	<p><u>Revocation or Surrender of license +up to \$200 per violation per day</u></p>	<p><u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u></p>
<p><u>Failing to provide sufficient prior written notice of resignation or employment or termination of</u></p>	<p><u>Sec. 454.301(a)(6) §374.2(18)</u></p>	<p><u>30-45 day license suspension +up to \$150 per violation per day</u></p>	<p><u>60-90 day license suspension +up to \$200 per violation per day</u></p>	<p><u>Revocation or Surrender of license +up to \$200 per violation per day</u></p>	<p><u>Alternative disciplinary decisions or pursuing other courses of action may depend on</u></p>

Schedule of Sanctions

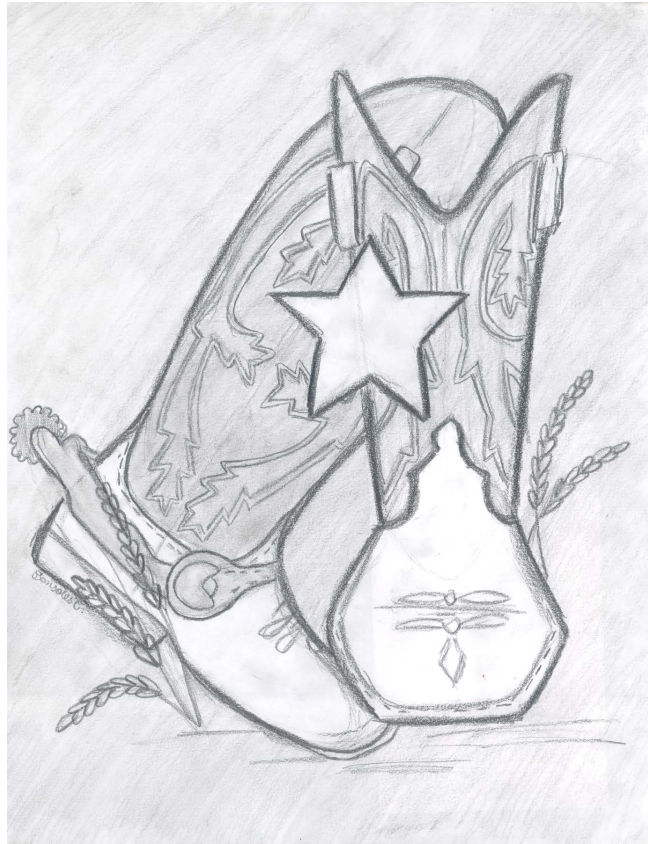
Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<p><u>contract, or if self-employed, sufficient prior written notice to existing clients or any licensees under the individual's supervision, resulting in the loss or delay of occupational therapy services. In this paragraph, "sufficient" means at least 14 days; however, should an employment contract, or if self-employed, a comparable written agreement with clients, specify a different period of time, "sufficient" means the term dictated by such, up to and including 30 days</u></p>					<p><u>the nature of the situation, repeat of violation, or development.</u></p>
<p>Failed CE Audit</p>	<p>§367.3</p>	<p>30-60 hours community service and completion of CE hours +up to <u>\$150</u> [400] per violation <u>per day</u></p>	<p>30-60 day license suspension and completion of CE hours +up to <u>\$200</u> [450] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>
<p>Failed to properly renew license</p>	<p>Sec. 454.252 Sec. 454.255 §367.1 §370.1</p>	<p>30-60 hours community service and completion of CE hours +up to <u>\$150</u> [400] per violation <u>per day</u></p>	<p>30-60 day license suspension and completion of CE hours +up to <u>\$200</u> [450] per violation <u>per day</u></p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</p>
<p>Used drugs or intoxicating liquors to an extent that affects the applicant's or license holder's</p>	<p>Sec. 454.301(1)</p>	<p>30-60 [90] day license suspension with restricted practice +up to <u>\$150</u> [400] per</p>	<p><u>90-120 day</u> [6-42 month] license suspension with restricted practice +up</p>	<p>Revocation or Surrender of license +up to \$200 per violation <u>per day</u></p>	<p>Alternative disciplinary decisions or pursuing other courses of action may depend on</p>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
professional competence		violation <u>per day</u>	to \$200 [450] per violation <u>per day</u>		the nature of the situation, repeat of violation, or development.
Been convicted of a crime, other than a minor offense defined as a "minor misdemeanor," "violation," or "offense," in any court if the act for which the applicant or license holder was convicted is determined by the <u>Board</u> [board] to have a direct bearing on whether the applicant or license holder should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant	Sec. 454.301(2)	<u>30-45 day license suspension with restricted practice</u> [Restricted practice] +up to <u>\$150</u> [400] per violation <u>per day</u>	[30-] <u>60-90 day license suspension with restricted practice</u> +up to <u>\$200</u> [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Obtained or attempted to obtain a license by fraud or deception	Sec. 454.301(3)	Letter of cease and desist for attempter; if <u>licensed</u> , [] 30-60 day license suspension +up to \$150 [400] per violation <u>per day</u>	[60-] <u>90-120 day license suspension with restricted practice</u> +up to <u>\$200</u> [450] per violation <u>per day</u> [;- referral for criminal investigative entity]	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Been grossly negligent in the practice of occupational therapy or in acting as an occupational therapy assistant	Sec. 454.301(4)	<u>30-45 day license suspension with restricted practice</u> [30-60 hours community service] +up to <u>\$150</u> [400] per violation <u>per day</u>	[30] <u>60-90 day license suspension with restricted practice</u> +up to <u>\$200</u> [450] per violation <u>per day</u> [;- referral for criminal]	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
Been found mentally incompetent by a court	Sec. 454.301(5)	<u>30-45 day license suspension with restricted practice [30-60 hours community service]</u> +up to \$150 [400] per violation <u>per day</u>	<u>investigative entity]</u> <u>60-120 day [6-12 month] license suspension with restricted practice and fitness to practice statement from physician</u> +up to \$200 [150] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Advertised in a manner that in any way tends to deceive or defraud the public</u>	<u>Sec. 454.301(7)</u>	<u>Letter of cease and desist if unlicensed; if licensed, 30-45 day license suspension</u> +up to \$150 per violation	<u>60-90 day license suspension</u> +up to \$200 per violation	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	<u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u>
Had a license to practice occupational therapy revoked or suspended or had other disciplinary action taken against the applicant or license holder by the proper licensing authority of another state, territory, or nation	Sec. 454.301(8)	30-60 hours community service +up to \$150 [400] per violation <u>per day</u>	30-60 day license suspension with restricted practice <u>or concurrent board order</u> +up to \$200 [150] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Failed to notify the Board of changes of name or contact information as per §369.2</u>	<u>§369.2</u>	<u>15-30 day license suspension</u> +up to \$150 per violation <u>per day</u>	<u>45-90 day license suspension</u> +up to \$200 per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	<u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u>



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.

Central Texas Workforce Development Board

Request for Proposals for Management and Operation of Workforce Solutions of Central Texas Workforce Centers

PUBLIC NOTICE

The Central Texas Workforce Development Board, Inc., dba Workforce Solutions of Central Texas, is accepting proposals from qualified organizations for the management and operations of its Workforce Centers (aka One Stop Centers, aka American Job Centers). The local Workforce Centers provide business and job seeker services for the seven Texas counties of Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba.

The Request for Proposals may be downloaded starting on March 3, 2025, at 5 p.m. at www.workforcesolutionsctx.com under the short-cut: "About Us, Work with Us" link or at <https://workforcesolutionsctx.com/procurement-vendors/>. Prospective bidders may contact Ron Cowan by email at wsb@workforcesolutionsctx.com to request a proposal package or submit questions.

The Letter of Intent to Bid form included in the Proposal Application Packet must be received on or before 5:00 p.m. CDT on March 14, 2025. Questions must be submitted on or before 5:00 p.m. CDT on March 20, 2022. A mandatory Bidder's Conference will be held at 2:00 p.m. of February 3, 2021. Answers to any questions received will be distributed on February 5, 2021.

Proposals are due on or before 5:00 p.m. CDT April 18, 2025. Proposals will be submitted by email to wsb@workforcesolutionsctx.com. Late Proposals will not be accepted.

TRD-202500755

Linda Angel

President and CEO

Central Texas Workforce Development Board

Filed: February 27, 2025

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, 303.005, 303.008, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 03/10/25 – 03/16/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 03/10/25 – 03/16/25 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 03/01/25-03/31/25 is 18.00%.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 04/01/25 – 06/30/25 is 18.00% for consumer¹ credit.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 04/01/25 – 06/30/25 is 18.00% for commercial² credit.

The annualized ceiling as prescribed by §303.008 and §303.009⁴ for the period of 04/01/25 – 03/31/26 is 18.00% for consumer¹ credit.

The annualized ceiling as prescribed by §303.008 and §303.009⁴ for the period of 04/01/25 – 03/31/26 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

³ Only for variable rate commercial transactions, as provided by §303.004(a).

⁴ Only for open-end credit as defined in §301.002(14), as provided by §303.007.

TRD-202500796

Leslie Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: March 5, 2025

Texas Education Agency

Public Notice Announcing the Availability of the Proposed Texas Individuals with Disabilities Education Improvement Act of 2004 (IDEA) Eligibility Document: State Policies and Procedures

Filing Date. March 5, 2025

Purpose and Scope of the Part B Federal Fiscal Year (FFY) 2025 State Application and its Relation to Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA Part B). The Texas Education Agency (TEA) is inviting public comment on its Proposed State Application under IDEA Part B. The annual grant application provides assurances that the state's policies and procedures in effect are consistent with the federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. 34 Code of Federal Regulations §300.165 requires that states conduct public hearings, ensure adequate notice of those hearings, and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities, before adopting policies and procedures.

Availability of the State Application. The Proposed State Application is available on the TEA website at <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/annual-state-application-under-idea-part-b-and-idea-eligibility-documentation/>. Instructions for submitting public comments are available from the same site. The Proposed State Application will also be available at the 20 regional education service centers and at the TEA Library (Ground Floor, Room G-102), William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Parties interested in reviewing the Proposed State Application at the William B. Travis location should contact the TEA Division of Special Education at (512) 463-9414.

Procedures for Submitting Written Comments. The TEA will accept written comments pertaining to the Proposed State Application by mail to TEA, Division of Special Education Programs, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to spedrle@tea.texas.gov.

Participation in Public Hearings. TEA will provide individuals with opportunities to testify on the Proposed State Application and the state's policies and procedures for implementing IDEA Part B on April 10, 2025, and April 11, 2025, between 9:00 a.m. and 12:00 p.m. remotely via Zoom Meeting at the following links: April 10 <https://zoom.us/j/95539489162>; and April 11 <https://zoom.us/j/94466691754>. The public is invited to make comments at one or both meetings. Parties interested in testifying are encouraged to also include written testimony. Public hearing information is available on the TEA website at <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/annual-state-application-under-idea-part-b-and-idea-eligibility-documentation>.

Timetable for Submitting the State Application. After review and consideration of all public comments, TEA will make necessary or appropriate modifications and will submit the State Application to the U.S. Department of Education on or before May 21, 2025.

For more information, contact the TEA Division of Special Education by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 463-9414; by fax at (512) 463-9560; or by email at spedrle@tea.texas.gov.

Issued in Austin, Texas, on March 5, 2025.

TRD-202500779

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: March 4, 2025

Texas Commission on Environmental Quality

Agreed Orders

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 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 **April 14, 2025**. 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 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. Written comments about an AO should be sent to the enforcement coordinator designated for each AO

at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **April 14, 2025**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2023-0029-MWD-E; IDENTIFIER: RN101702397; LOCATION: Grandbury, Hood County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0013786001, Effluent Limitations and Monitoring Requirements Number 1., by failing to comply with permitted effluent limitations; PENALTY: \$16,875; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: CIRCLE K STORES INCORPORATED dba Circle K Store 2704690; DOCKET NUMBER: 2024-0995-PST-E; IDENTIFIER: RN102833373; LOCATION: Austin, Travis County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC §334.72 within 30 days; PENALTY: \$5,900; ENFORCEMENT COORDINATOR: Eresha DeSilva, (512) 239-5084; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: City of Leakey; DOCKET NUMBER: 2024-1238-PWS-E; IDENTIFIER: RN101199289; LOCATION: Leakey, Real County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$550; ENFORCEMENT COORDINATOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: City of Pampa; DOCKET NUMBER: 2024-1230-PWS-E; IDENTIFIER: RN101229474; LOCATION: Pampa, Gray County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$50; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Clean Harbors Deer Park, LLC; DOCKET NUMBER: 2022-0731-AIR-E; IDENTIFIER: RN102184173; LOCATION: La Porte, Harris County; TYPE OF FACILITY: hazardous waste management facility; RULES VIOLATED: 30 TAC §122.143(4) and §122.145(2)(C), Federal Operating Permit (FOP) Number O1566, General Terms and Conditions (GTC), and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit a deviation report no later than 30 days after the end of each reporting period; and 30 TAC §122.143(4) and §122.146(2), FOP Number O1566, GTC and Special Terms and Conditions Number 28, and THSC, §382.085(b), by failing to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$7,950; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: Colorado Bend Services, LLC; DOCKET NUMBER: 2023-0284-IWD-E; IDENTIFIER: RN104772538; LOCATION: Wharton, Wharton County; TYPE OF FACILITY: natural gas-fired combined-cycle electric generating facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0004781000, Outfall Numbers 201 and 301, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$8,360; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(7) COMPANY: Cotton Center Water Supply Corporation; DOCKET NUMBER: 2024-1237-PWS-E; IDENTIFIER: RN101435873; LOCATION: Cotton Center, Hale County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$65; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Daniel Thomas Fletcher dba Countryside Mobile Home Park and Gracie G. Fletcher dba Countryside Mobile Home Park; DOCKET NUMBER: 2023-1173-PWS-E; IDENTIFIER: RN101259463; LOCATION: Brazoria, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(A)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a minimum pressure tank capacity of 50 gallons per connection; 30 TAC §290.45(b)(1)(E)(i) and THSC, §341.0315(c), by failing to provide a well capacity of 1.0 gallons per minute per connection; and 30 TAC §290.46(f)(2) and (3)(A)(i)(III) and (ii)(III), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; PENALTY: \$450; ENFORCEMENT COORDINATOR: Nick Lohret, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(9) COMPANY: DODGE-OAKHURST WATER SUPPLY CORPORATION; DOCKET NUMBER: 2023-0421-PWS-E; IDENTIFIER: RN101437226; LOCATION: Huntsville, San Jacinto County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(c), by failing to ensure all water lines within the distribution system meet the minimum diameter based on the number of connections and failing to ensure waterlines less than two inches in diameter are not installed in the distribution system; and 30 TAC §290.46(f)(2) and (3)(A)(iii), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; PENALTY: \$188; ENFORCEMENT COORDINATOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(10) COMPANY: Grand Oaks Municipal Utility District; DOCKET NUMBER: 2024-1314-PWS-E; IDENTIFIER: RN104423975; LOCATION: Magnolia, Montgomery County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(f)(3) and Texas Health and Safety Code, §341.0315(c), by failing to provide a purchase water contract which authorizes the purchase of enough water to meet the monthly or annual needs of the purchaser and establishes the maximum rate at which water may be drafted on a daily and hourly basis; and 30 TAC §290.46(k), by failing to obtain approval from the Executive Director for the use of interconnections; PENALTY: \$950; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504;

REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: H.E. Butt Grocery Company; DOCKET NUMBER: 2024-0999-EAQ-E; IDENTIFIER: RN102137676; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: commercial property; RULES VIOLATED: 30 TAC §213.4(k) and Edwards Aquifer Protection Plan (EAPP) ID Number 11-15090401, Standard Condition Number 15, by failing to maintain the permanent best management practices after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property; and 30 TAC §213.5(c)(3)(e)(i) and EAPP ID Number 11-01020802A, Standard Condition Number 12, by failing to comply with the provisions of the approved Organized Sewage Collection System; PENALTY: \$6,549; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$2,620; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(12) COMPANY: Heritage Thermal of Texas, LLC; DOCKET NUMBER: 2022-1241-AIR-E; IDENTIFIER: RN111009247; LOCATION: Orange, Orange County; TYPE OF FACILITY: industrial hazardous waste incinerator; RULES VIOLATED: 30 TAC §122.143(4) and §122.145(2)(A), Federal Operating Permit (FOP) Number O1896, General Terms and Conditions (GTC), and Texas Health and Safety Code (THSC), §382.085(b), by failing to report all instances of deviations; 30 TAC §122.143(4) and §122.146(2), FOP Number O1896, GTC and Special Terms and Conditions Number 18, and THSC, §382.085(b), by failing to submit a permit compliance certification within 30 days of any certification period; and 30 TAC §122.143(4) and §122.146(5)(C) and (D), FOP Number O1896, GTC, and THSC, §382.085(b), by failing to identify all required information on the deviation reports; PENALTY: \$14,285; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(13) COMPANY: HOME DEPOT U.S.A., INCORPORATED; DOCKET NUMBER: 2024-1324-EAQ-E; IDENTIFIER: RN105078125; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: home improvement retailer; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(14) COMPANY: Huntsman Petrochemical LLC; DOCKET NUMBER: 2023-0302-AIR-E; IDENTIFIER: RN100219740; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: specialty chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), New Source Review (NSR) Permit Number 4788, Special Conditions (SC) Number 1, Federal Operating Permit (FOP) Number O1384, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 17, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rates; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 4788, SC Number 1, FOP Number O1384, GTC and STC Number 17, and THSC, §382.085(b), by failing to prevent unauthorized emissions; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 4788, SC Number 33.D., FOP Number O1384, GTC and STC Number 17, and THSC, §382.085(b), by failing to maintain the natural gas enrichment for the flare; 30 TAC §116.115(c) and §122.143(4), NSR Permit Numbers 4788, SC Number 35, FOP Number O1384, GTC and STC Number 17,

and THSC, §382.085(b), by failing to maintain a removal efficiency for the scrubbers; and 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 42682, SC Number 19, FOP Number O1384, GTC and STC Number 17, and THSC, §382.085(b), by failing to maintain a removal efficiency for the absorbers; PENALTY: \$237,175; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$94,870; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(15) COMPANY: Juanita Munoz dba Lone Star Cafe, Pete Martinez III dba Lone Star Cafe, and Pete Martinez IV dba Lone Star Cafe; DOCKET NUMBER: 2023-1058-PWS-E; IDENTIFIER: RN111755187; LOCATION: El Campo, Wharton County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$1,063; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(16) COMPANY: Judy Palmer dba Mobile Home Management, LLC and Michael D. Palmer dba Mobile Home Management, LLC; DOCKET NUMBER: 2024-1008-PWS-E; IDENTIFIER: RN102654977; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of ten milligrams per liter for nitrate; PENALTY: \$6,250; ENFORCEMENT COORDINATOR: De'Shaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(17) COMPANY: Piercesvine, LLC; DOCKET NUMBER: 2024-1141-PWS-E; IDENTIFIER: RN111974408; LOCATION: Valley View, Cooke County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e) and (h)(1) and Texas Health and Safety Code, §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply; 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's two public drinking water wells into service; and 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(18) COMPANY: PRESBYTERIAN MO-RANCH ASSEMBLY; DOCKET NUMBER: 2024-1131-PWS-E; IDENTIFIER: RN101209534; LOCATION: Hunt, Kerr County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(iii) and Texas Health and Safety Code, §341.0315(c), by failing to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection at each pump station or pressure plane; PENALTY: \$135; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(19) COMPANY: SAM BOTHAM LLC; DOCKET NUMBER: 2024-1318-PST-E; IDENTIFIER: RN102065026; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: operator; RULES VIOLATED: 30 TAC §334.49(a)(1), by failing to provide corrosion

protection for the underground storage tank system; and 30 TAC §334.50(b)(1)(A), by failing to monitor underground storage tanks for releases at least once every 30 days; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(20) COMPANY: SHELBYVILLE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2023-1011-PWS-E; IDENTIFIER: RN101452027; LOCATION: Shelbyville, Shelby County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(2)(C), by failing to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent; 30 TAC §290.46(f)(2) and (3)(B)(v), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; and 30 TAC §290.46(m)(6), by failing to maintain all pumps, motors, valves, and other mechanical devices in good working condition; PENALTY: \$1,379; ENFORCEMENT COORDINATOR: Iliia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(21) COMPANY: SHRESTHA INVESTMENT INCORPORATED dba Gateway 30; DOCKET NUMBER: 2023-1598-PST-E; IDENTIFIER: RN101544401; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.225 and Texas Health and Safety Code, §382.085(b), by failing to comply with annual Stage I vapor recovery testing requirements; PENALTY: \$1,500; ENFORCEMENT COORDINATOR: Faye Renfro, (512) 239-1833; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(22) COMPANY: South Texas Rentals, LLC; DOCKET NUMBER: 2024-1032-PWS-E; IDENTIFIER: RN101241412; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(3)(C) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.010 milligrams per liter for arsenic based on a running annual average; PENALTY: \$1,937; ENFORCEMENT COORDINATOR: Iliia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(23) COMPANY: The Sherwin-Williams Manufacturing Company; DOCKET NUMBER: 2024-1139-AIR-E; IDENTIFIER: RN100212166; LOCATION: Ennis, Ellis County; TYPE OF FACILITY: paint production plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O3627, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 20600, Special Conditions Number 1, FOP Number O3627, GTC and STC Number 10, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$7,363; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(24) COMPANY: Trophy Materials, LLC; DOCKET NUMBER: 2024-1093-WQ-E; IDENTIFIER: RN111970091; LOCATION: Cleburne, Johnson County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities; and 30 TAC §342.25(b), by failing to register the site as an APO no later than the tenth business day before the beginning date of regulated activities; PENALTY: \$9,500; ENFORCEMENT COORDINATOR: Nancy M. Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(25) COMPANY: Utilities, Incorporated of Texas; DOCKET NUMBER: 2023-0734-PWS-E; IDENTIFIER: RN101204055; LOCATION: Colorado City, Mitchell County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the executive director (ED) and receive approval prior to making a significant change or addition where the change in the existing systems results in an increase or decrease in production, treatment, storage, or pressure maintenance; 30 TAC §290.41(c)(3)(L), by failing to provide a well blow-off line that terminated in a downward direction and at a point which will not be submerged by flood waters; 30 TAC §290.41(c)(3)(O), by failing to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers; 30 TAC §290.42(f)(1)(C), by failing to provide all chemical day tanks with a label that identifies the tank's contents and a device that indicates the amount of chemical remaining in the tank; 30 TAC §290.43(d)(2), by failing to provide the Dorn Pressure Plane pressure tank with a pressure release device; 30 TAC §290.44(d) and §290.46(r), by failing to provide a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting; 30 TAC §290.44(d)(2), by failing to provide increased pressure by means of booster pumps taking suction from ground storage tanks or obtain an exception by acquiring plan approval from the ED for a booster pump taking suction from the distribution lines; 30 TAC §290.44(h)(1)(A), by failing to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly (BPA), as identified in 30 TAC §290.47(f); 30 TAC §290.44(h)(4), by failing to have all BPAs tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications; 30 TAC §290.45(b)(1)(D)(iii) and THSC, §341.0351(c), by failing to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection; 30 TAC §290.45(b)(1)(D)(iv) and THSC, §341.0351(c), by failing to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection; 30 TAC §290.46(j), by failing to complete a Customer Service Inspection certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazard exists, or after any material improvements, corrections, or additions to the private water distribution system; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's ground storage tanks annually; 30 TAC §290.46(m)(1)(B), by failing to inspect the interior of the facility's Spade pressure tank at least once every five years; 30 TAC §290.46(m)(4), by failing to maintain all water treatment unit, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant,

pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.46(t), by failing to post a legible sign at the facility's production, treatment, and storage facilities that contains the name of the facility and an emergency telephone number where a responsible official can be contacted; PENALTY: \$84,838; ENFORCEMENT COORDINATOR: Iliia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202500759

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: February 28, 2025



Cancellation of Public Meeting Wilco-Thrall 79 WWTP LLC;
Proposed Permit No. WQ0016391001

NOTICE OF PUBLIC MEETING CANCELLATION

The Texas Commission on Environmental Quality (TCEQ) submitted a Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit Number WQ0016391001 for Wilco-Thrall 79 WWTP LLC, for publication in the February 21, 2025, issue of the *Texas Register*, TexReg Docket Number 202500493. The public meeting scheduled for Monday, March 24, 2025 is cancelled. The public meeting will be scheduled for a later date. Members of the public with questions regarding this application or public meeting may seek further information by calling the TCEQ Public Education Program toll free at (800) 687-4040.

TRD-202500802

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Enforcement Orders

An agreed order was adopted regarding S&Z Enterprises, Inc dba Adam Quickway, Docket No. 2022-0323-PST-E on March 4, 2025 assessing \$2,538 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding OXY USA Inc., Docket No. 2022-1075-AIR-E on March 4, 2025 assessing \$6,500 in administrative penalties with \$1,300 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SF2 Cedar Creek Management, LLC dba Shiloh on the Lake, Docket No. 2022-1547-PWS-E on March 4, 2025 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Teton Petroleum Transport, LLC, Docket No. 2023-0643-PST-E on March 4, 2025 assessing \$2,255 in administrative penalties with \$451 deferred. Information concerning any aspect of this order may be obtained by contacting

Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding 2022 South Texas TX, LP, Docket No. 2023-0739-PWS-E on March 4, 2025 assessing \$4,616 in administrative penalties with \$923 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding WINDFERN PARK OWNER'S ASSOCIATION, Docket No. 2023-0756-PWS-E on March 4, 2025 assessing \$3,350 in administrative penalties with \$670 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Marion W. Bockwich, Docket No. 2023-0950-MSW-E on March 4, 2025 assessing \$3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kody Banda, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding West Texas Commercial Properties Llc, Docket No. 2023-0997-PWS-E on March 4, 2025 assessing \$1,150 in administrative penalties with \$230 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RestorationCity, Docket No. 2024-0655-PWS-E on March 4, 2025 assessing \$400 in administrative penalties with \$80 deferred. Information concerning any aspect of this order may be obtained by contacting Obianuju Iyasele, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mart, Docket No. 2024-0681-PWS-E on March 4, 2025 assessing \$1,650 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Del Lago Estates Water Supply Corporation, Docket No. 2024-0693-PWS-E on March 4, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TCW SUPPLY, INC., Docket No. 2024-0773-PWS-E on March 4, 2025 assessing \$60 in administrative penalties with \$12 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Willow Creek Farms Municipal Utility District and Fulshear Municipal Utility District No. 3A, Docket No. 2024-0845-PWS-E on March 4, 2025 assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Ashley Lemke,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DeBerry Water Supply Corporation, Docket No. 2024-0872-PWS-E on March 4, 2025 assessing \$2,346 in administrative penalties with \$469 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Medina RVC, LLC, Docket No. 2024-0900-PWS-E on March 4, 2025 assessing \$1,915 in administrative penalties with \$383 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bandera River Ranch Water Supply Corporation, Docket No. 2024-0973-PWS-E on March 4, 2025 assessing \$748 in administrative penalties with \$149 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MAG DRILLING, INC., Docket No. 2024-1173-WQ-E on March 4, 2025 assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Arti Patel, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Willis Waukegan Development LLC, Docket No. 2024-1277-WQ-E on March 4, 2025 assessing \$563 in administrative penalties with \$112 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Permian Basin Materials, LLC, Docket No. 2024-1301-OSS-E on March 4, 2025 assessing \$900 in administrative penalties with \$180 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kempner Water Supply Corporation, Docket No. 2024-1680-PWS-E on March 4, 2025 assessing \$615 in administrative penalties with \$123 deferred. Information concerning any aspect of this order may be obtained by contacting Mason DeMasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding JJ&D Construction LLC, Docket No. 2024-1846-WR-E on March 4, 2025 assessing \$350 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202500808

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Enforcement Orders

An agreed order was adopted regarding INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l., Docket No. 2019-1004-MLM-E on February 27, 2025 assessing \$131,168 in administrative penalties with \$26,232 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NORTHWEST PETROLEUM LP dba San Antonio Airport Q Mart, Docket No. 2020-1267-PST-E on February 27, 2025 assessing \$8,688 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Keagle, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Nome, Docket No. 2020-1270-PWS-E on February 27, 2025 assessing \$7,695 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Michael Ruff and Premium Sandstone LLC, Docket No. 2020-1302-WQ-E on February 27, 2025 assessing \$21,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Keagle, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding HAQUE SALMA ENTERPRISE INC dba Poppy Food Mart, Docket No. 2021-0193-PST-E on February 27, 2025 assessing \$11,347 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NORTHWEST PETROLEUM LP dba Veterans QMart, Docket No. 2021-0584-PST-E on February 27, 2025 assessing \$15,124 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Keagle, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2021-0595-MWD-E on February 27, 2025 assessing \$27,625 in administrative penalties with \$5,525 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default and shutdown order was adopted regarding Laila Quick Stop LLC, Docket No. 2021-0699-PST-E on February 27, 2025 assessing \$11,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding INV Nylon Chemicals Americas, LLC, Docket No. 2021-0858-WDW-E on February 27, 2025 assessing \$148,140 in administrative penalties with \$29,627 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Hamilton, Docket No. 2021-1551-MWD-E on February 27, 2025 assessing \$8,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding KUCHURI LLC dba BM Cigarette Mart, Docket No. 2022-0969-PST-E on February 27, 2025 assessing \$8,355 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding City of Pflugerville, Docket No. 2023-0461-MLM-E on February 27, 2025 assessing \$164,425 in administrative penalties with \$32,885 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Dustin Martinez dba Martinez Ranch Subdivision, Docket No. 2023-0700-PWS-E on February 27, 2025 assessing \$29,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ashley Lemke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Hart, Docket No. 2023-1282-PWS-E on February 27, 2025 assessing \$1,337 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2023-1314-PWS-E on February 27, 2025 assessing \$12,165 in administrative penalties with 2,433 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ELITE COMPUTER CONSULTANTS, L.P., Docket No. 2023-1364-MWD-E on February 27, 2025 assessing \$11,250 in administrative penalties with \$2,250 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Bastrop, Docket No. 2024-0405-PWS-E on February 27, 2025 assessing \$2,875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting De'Shaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bethel-Ash Water Supply Corporation, Docket No. 2024-0608-PWS-E on February 27, 2025 assessing \$2,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MHP Utility Systems, Inc., Docket No. 2024-0695-MWD-E on February 27, 2025 assessing \$10,875 in administrative penalties with \$2,175 deferred. Information concerning any aspect of this order may be obtained by contacting

Sarah Castillo, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NPC Braunfels, LLC, Docket No. 2024-1167-EAQ-E on February 27, 2025 assessing \$20,000 in administrative penalties with \$4,000 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202500809

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Notice and Comment Hearing Draft Permit No.: O3711

This is a notice for a notice and comment hearing on Federal Operating Permit Number O3711. During the notice and comment hearing informal questions on the Federal Operating Permit will be answered and formal comments will be received. The Texas Commission on Environmental Quality (TCEQ) has scheduled the notice and comment hearing regarding this application and draft permit as follows:

Date: April 10, 2025

Time: 7:00 p.m.

Location: Pasadena ISD Frank Braden Center for Educational Support
Carmen Orozco Professional Development Complex
1832 E Sam Houston Pkwy S

Pasadena, Texas 77503

Location phone: (713) 740-5297

Application and Draft Permit. Pasadena Refining System, Inc, 111 Red Bluff Rd, Pasadena, Texas 77506-1530, a Petroleum Refineries facility, has applied to the TCEQ for a Renewal of Federal Operating Permit (herein referred to as permit) No. O3711, Application No. 32081 to authorize operation of the Pasadena Refinery System. The area addressed by the application is located at 111 Red Bluff Rd in Pasadena, Harris County, Texas 77506-1530. This application was received by the TCEQ on April 16, 2021.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, will codify the conditions under which the site must operate. The TCEQ Executive Director recommends issuance of the draft permit. The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code (30 TAC) §122.10. The permit will not authorize new construction or new emissions.

Notice and Comment Hearing. The hearing will be structured for the receipt of oral or written comments by interested persons. Registration and an informal discussion period with commission staff members will begin during the first 30 minutes. During the informal discussion period, the public is encouraged to ask questions and engage in open discussion with the applicant and the TCEQ staff concerning this application and draft permit. Issues raised during this discussion period **will only** be addressed in the formal response to comments if the issue is also presented during the hearing. After the conclusion of the informal discussion period, the TCEQ will conduct a notice and comment hear-

ing regarding the application and draft permit. Individuals may present oral statements when called upon in order of registration. A reasonable time limit may be established at the hearing to assure that enough time is allowed for every interested person to speak. There will be no open discussion during the hearing. The purpose of this hearing will be to receive formal public comment which the TCEQ will consider in determining whether to revise and/or issue the permit and in determining the accuracy and completeness of the permit. Any person may attend this meeting and submit written or oral comments. The hearing will be conducted in accordance with the Texas Clean Air Act §382.0561, as codified in the Texas Health and Safety Code, and 30 TAC §122.340.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact the TCEQ Public Education Program toll free at (800) 687-4040 or (800) RELAY-TX (TDD), at least five business days prior to the hearing.

Any person may also submit written comments before the hearing to the Texas Commission on Environmental Quality, Office of Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Written comments should include (1) your name, address, and daytime telephone number, and (2) the draft permit number found at the top of this notice.

A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted: written comments and/or hearing requests, attended and signed in at the hearing, or requested to be on the mailing list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with applicable requirements or the requirements of 30 TAC Chapter 122.

Mailing List. In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

Information. For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality, Public Education Program, MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or toll free at (800) 687-4040. General information about the TCEQ can be found at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained for Pasadena Refining System, Inc by calling Rebecca Froedge, Lead Environmental Specialist at (281) 620-9698.

Notice Issuance Date: February 25, 2025

TRD-202500803

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Notice of an Application to Amend a Wateruse Permit Application No. 5160B

Notices Issued February 27, 2025

Circle X South Cooley, LLC and Circle X North Cooley, LLC seek to amend Water Use Permit No. 5160 to authorize the use of the bed and banks of Shop Branch, an unnamed tributary of Steele Creek, and an

unnamed tributary of Duck Creek, Brazos River Basin to convey up to 10,098 acre-feet of groundwater per year for subsequent diversion and use for domestic, livestock and agricultural purposes in Robertson County within the Brazos River Basin; for municipal, mining and industrial purposes in Robertson, Falls, Milam, Brazos and Burleson counties within the Brazos River Basin; and for municipal, mining and industrial purposes in Leon, Limestone, Madison and Freestone counties within the Brazos River Basin and the Trinity River Basin. More information on the application and how to participate in the permitting process is given below.

The application was received on June 6, 2024, and fees were received on September 23, 2024. Additional information was received on October 8, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 24, 2024. The application was amended on January 9, 2025 and additional information was received on January 14 and January 29, 2025. The application was again declared administratively complete and accepted for filing with the Office of the Chief Clerk on February 5, 2025.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, maintaining a measuring device and accounting for the discharge and diversion of groundwater. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by April 1, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by April 1, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by April 1, 2025.

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) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. 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.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at

<https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 5160 in the search field. 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 Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202500807

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant With Enhanced Controls Proposed Air Quality Registration Number 164475

APPLICATION. Sunrise Redi Mix, LLC, P.O. Box 920, Rhome, Texas 76078-0920 has applied to the Texas Commission on Environmental Quality (TCEQ) for the amendment of the Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 164475 to authorize the operation of a concrete batch plant. This application would authorize modification of a Concrete Batch Plant with Enhanced Controls located at 141 Graham Road, New Fairview, Wise County, Texas 76078. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsource/airpermits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/Location-Mapper/?marker=-97.466243,33.101562&level=13>. The facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less. The executive director has determined the application was technically complete on February 3, 2025.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. 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.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may**

also be submitted at any time during the hearing. The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Monday, March 31, 2025 at 6:00 p.m.

Chisholm Trail Middle School (Cafeteria)

583 Farm to Market Road 3433

Rhame, Texas 76078

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Dallas/Fort Worth Regional Office, located at 2309 Gravel Drive, Fort Worth, Texas 76118-6951, during the hours of 8:00 am to 5:00 pm, Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Sunrise Redi Mix, LLC, P.O. Box 920, Rhame, Texas 76078-0920, or by calling Mr. Josh Butler, Principal Consultant, Elm Creek Environmental, LLC, at (469) 946-8195.

Notice Issuance Date: February 21, 2025

TRD-202500804

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Notice of Opportunity to Comment on an Agreed Order 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 Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. 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 **April 14, 2025**. 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 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. 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 April 14, 2025**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Rene Calderon; DOCKET NUMBER: 2021-1390-EAQ-E; TCEQ ID NUMBER: RN111317780; LOCATION: 2013 Mustang Lane, San Marcos, Hays County; TYPE OF FACILITY: recreational vehicle park; RULE VIOLATED: 30 TAC §213.4 (a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$5,000; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas, 78753, (512) 239-2929.

TRD-202500784

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: March 4, 2025



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 DOs 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 **April 14, 2025**. 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. 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 April 14, 2025**. 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: Big State Concrete, LLC; DOCKET NUMBER: 2022-0441-AIR-E; TCEQ ID NUMBER: RN111415576; LOCATION: 109 North Farm-to-Market Road 2353, Grafard, Palo Pinto County; TYPE OF FACILITY: bulk materials handling plant; RULES VIOLATED: Texas Health and Safety Code, §382.0518(a) and 382.085(b), and 30 TAC §116.110(a), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$5,000; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas, 76118-6951, (812) 588-5800.

(2) COMPANY: David McNelly; DOCKET NUMBER: 2023-1052-MSW-E; TCEQ ID NUMBER: RN111616470; LOCATION: 606 13th Street, Rule, Haskell County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15 (a) and (c), by causing suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$3,937; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas, 79602-7833, (325) 698-9674.

TRD-202500785

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: March 4, 2025



Notice of Water Quality Application - Minor Amendment WQ0010575004

The following notice was issued on March 3, 2025:

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 IS ISSUED.

INFORMATION SECTION

The Texas Commission on Environmental Quality staff has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0010575004 issued to City of Mount Pleasant, 501 North Madison Avenue, Mount Pleasant, Texas 75455, to correct the expiration date in permit issued on September 20, 2023. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 5,000,000 gallons per day. The facility is located at 2561 County Road 4540, in Titus County, Texas 75455.

TRD-202500805

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Notice of Water Quality Application - Minor Amendment WQ0014197001

The following notice was issued on February 26, 2025:

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 IS ISSUED.

INFORMATION SECTION

The Texas Commission on Environmental Quality (TCEQ) has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0014197001 issued to Fort Bend County Municipal Utility District 131, to correct the dechlorination language in the Interim II and Final phases, on pages 2a and 2b of the permit. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 780,000 gallons per day. The facility is located at 236 Kestrel Lane, in Fort Bend County, Texas 77583.

TRD-202500806

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 5, 2025



Texas Facilities Commission

Request for Proposals #303-6-20781

The Texas Facilities Commission (TFC), on behalf of the Office of the Attorney General - Child Support Division (OAG-CSD), announces the issuance of Request for Proposals (RFP) #303-6-20781. TFC seeks a five (5) or seven (7) year lease of approximately 3,105 square feet of office space in Fort Worth, Benbrook, Burleson, Cleburne, Crowley, Joshua, or Winscott, Texas.

The deadline for questions is March 25, 2025 and the deadline for proposals is April 15, 2025 at 3:00 p.m. The award date is June 18, 2025. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of a RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting Heidi Gonzales at heidi.gonzales@tfc.texas.gov. A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.gov/esbd/303-6-20781>.

TRD-202500786

Amanda Brainard

Acting Director, State Leasing Services

Texas Facilities Commission

Filed: March 4, 2025



Texas Health and Human Services Commission

Public Notice of Provider Engagement Meetings for Medicaid Payment Rates

MEETINGS

The Texas Health and Human Services Commission (HHSC) will conduct provider engagement meetings on March 20, 2025, to receive comments on Medicaid payment rate topics that may potentially be ad-

dressed at the upcoming May 2025 rate hearings. Commentary will be collected solely on the topics listed in this notice. Proposed rates will not be published at this time.

The meetings will be held online only at the following times according to topic areas:

Acute Care and Hospital Services: March 20, 2025, 10:00 a.m. - 11:30 a.m.

To attend online: The meetings will be held online via GoToWebinar. Visit the following GoToWebinar link to register to attend one or both of the online meetings. After registering, you will receive a confirmation email containing information about joining the webinar.

<https://attendee.gotowebinar.com/register/5771046708429923925>

HHSC will record the meetings. The recording will be archived and can be accessed on-demand at:

<https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>

HHSC may limit speakers' time to ensure all attendees wishing to present public comment are afforded an opportunity to do so. HHSC reserves the right to end an engagement meeting if no participants have registered to present public comments within the first 30 minutes of the meeting.

TOPICS.

Below is a list of topics that HHSC will collect commentary for during the provider engagement meeting. These topics may potentially be presented at the subsequent rate hearing in May 2025. The final list of topics to be presented at the May 2025 rate hearing is at the discretion of HHSC.

Acute Care Services - Calendar Fee Review:

Access to Care

Any Combination TOS 1-2-I-T

Cardiovascular Services including Cardiology & Echocardiography

Durable Medical Equipment (DME)

Dialysis Services

Evaluation and Management

Gastroenterology

Hearing Aid (additional state fees needed)

Medical and Surgical Supplies

Medicine (Other)

Non-Clinical Labs

Non-invasive Vascular Diagnostic Studies

PT/OT/ST Independent Therapist, Home Health Agency (HHA) and CORF/ORF

Physician Administered Drugs - Oncology

Physician Administered Drugs - Vaccines & Toxoids

Physician Administered Drugs - Non-Oncology

Physician Administered Drugs - NDCX

"S" Codes

Telemedicine, Telehealth & Telemonitoring

Acute Care Services- Healthcare Common Procedure Coding System (HCPCS):

Quarterly HCPCS Updates

Q3 HCPCS Drugs

Q4 HCPCS Drugs

Non-Quarterly HCPCS Drugs

WRITTEN COMMENTS.

Written comments regarding the proposed topics may be submitted in lieu of, or in addition to, oral comments until 5:00 p.m. the day following the meetings, March 21, 2025. Written comments may be sent by U.S. mail, overnight mail, fax, or email.

U.S. Mail:

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail or special delivery mail:

Texas Health and Human Services Commission

Attn: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 Guadalupe St.

Austin, Texas 78751

Fax: Attention: Provider Finance at (512) 730-7475

Email: ProviderFinanceDept@hhs.texas.gov

PREFERRED COMMUNICATION.

Email or telephone communication is preferred.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202500773

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: March 3, 2025



Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit an amendment to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed effective date for the amendment is May 1, 2025.

The proposed amendment will create a Nurse Residency Program (NRP) for eligible Texas health institutions that administer nursing residencies for newly graduated Registered Nurses and Licensed Vocational Nurses to increase retention and address the nursing shortage in Texas. The NRP will allow HHSC to make supplemental payments

to Health Related Institutions (HRIs). The eligible entities will provide the non-federal share of the payments through intergovernmental transfers to HHSC. The payments will be based on the fee-for-service Medicaid payment gap for all HRIs.

The proposed amendment is estimated to result in an annual aggregate expenditure of (\$53,406,112) for federal fiscal year (FFY) 2025, consisting of (\$32,043,667) in federal funds and (\$21,362,445) in state funds. For FFY 2026, the estimated annual aggregate expenditure is (\$54,031,339) consisting of (\$32,326,950) in federal funds and (\$21,704,389) in state funds. For FFY 2027, the estimated annual aggregate expenditure is (\$54,754,695) consisting of (\$32,759,734) in federal funds and (\$21,994,961) in state funds.

Rule Hearing.

A rule hearing was conducted online on February 11, 2025. Information about the proposed payment program and hearing was published in the January 24, 2025, issue of the *Texas Register* (50 TexReg 522). Additional information and the notice of hearings can be found at <https://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposed amendment will be available for review at HHSC Access and Eligibility Services for local benefit offices.

Written Comments.

Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

Email

AcuteCareSupplementalPayments@hhs.texas.gov

Preferred Communication.

For the quickest response, please use email or phone, if possible, for communication with HHSC related to this state plan amendment.

TRD-202500774

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: March 3, 2025

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Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of January 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
EL PASO	GETHIN WILLIAMS MD PHD PLLC DBA IMAGING AND INTERVENTIONAL SPECIALISTS OF THE SOUTHWEST	L07250	EL PASO	00	01/09/25
KINGSVILLE	CHRISTUS SPOHN HEALTH SYSTEM CORPORATION DBA CHRISTUS SPOHN HOSPITAL KLEBERG	L07251	KINGSVILLE	00	01/09/25
SAN ANTONIO	TEXAS DERMATOLOGY AND LASER SPECIALISTS PLLC	7253	SAN ANTONIO	00	01/13/25
THROUGHOUT TX	X-TECH NDT LLC	L07252	MIDLAND	00	01/08/25

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AMARILLO	CITY OF AMARILLO	L02320	AMARILLO	33	01/07/25
AUSTIN	UROLOGY AUSTIN PLLC	L06798	AUSTIN	07	01/14/25
BEAUMONT	BAPTIST HOSPITALS OF SOUTHEAST TEXAS	L00358	BEAUMONT	163	01/07/25
BROWNSVILLE	COLUMBIA VALLEY HEALTHCARE SYSTEM LP	L02274	BROWNSVILLE	57	01/14/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

COLLEGE STATION	SCOTT & WHITE HOSPITAL- COLLEGE STATION DBA BAYLOR SCOTT & WHITE MEDICAL CENTER - COLLEGE STATION	L06557	COLLEGE STATION	20	01/14/25
CORPUS CHRISTI	CHRISTUS TRINITY CLINIC	L04611	CORPUS CHRISTI	32	01/10/25
CYPRESS	CYPRESS HEART AND VASCULAR CENTER PLLC	L07163	CYPRESS	03	01/10/25
CYPRESS	KPH CONSOLIDATION INC DBA HCA HOUSTON HEALTHCARE NORTH CYPRESS	L06988	CYPRESS	13	01/07/25
DALLAS	COLUMBIA HOSPITAL AT MEDICAL CITY DALLAS SUBSIDIARY LP DBA MEDICAL CITY DALLAS	L01976	DALLAS	243	01/06/25
EL PASO	RIO GRANDE UROLOGY PA DBA RIO GRANDE RADIATION CANCER CENTER	L06721	EL PASO	09	01/10/25
FREEPORT	BASF CORPORATION	L01021	FREEPORT	73	01/14/25
HOUSTON	BAYLOR COLLEGE OF MEDICINE	L00680	HOUSTON	134	01/06/25
HUMBLE	MEMORIAL HERMANN HEALTH SYSTEM DBA MEMORIAL HERMANN NORTHEAST HOSPITAL	L02412	HUMBLE	158	01/13/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

LAKE JACKSON	THE DOW CHEMICAL COMPANY	L00451	LAKE JACKSON	120	01/07/25
LUBBOCK	LUBBOCK COUNTY HOSPITAL DISTRICT OF LUBBOCK COUNTY TEXAS	L04719	LUBBOCK	178	01/09/25
PEARLAND	CHCA PEARLAND LP DBA PEARLAND MEDICAL CENTER	L06682	PEARLAND	02	01/10/25
POINT COMFORT	FORMOSA PLASTICS CORPORATION TEXAS	L03893	POINT COMFORT	65	01/06/25
PORT ARTHUR	THE MEDICAL CENTER OF SOUTHEAST TEXAS LP	L01707	PORT ARTHUR	79	01/13/25
SAN ANTONIO	SOUTH TEXAS RADIOLOGY IMAGING CENTERS	L00325	SAN ANTONIO	269	01/09/25
SAN ANTONIO	VHS SAN ANTONIO PARTNERS LLC DBA BAPTIST HEALTH SYSTEM	L00455	SAN ANTONIO	277	01/08/25
SAN MARCOS	CHRISTUS SANTA ROSA HEALTHCARE CORPORATION DBA CHRISTUS SANTA ROSA HOSPITAL – SAN MARCOS	L07081	SAN MARCOS	08	01/06/25
SHERMAN	AHS SHERMAN LLC DBA AHS SHERMAN MEDICAL CENTER	L06354	SHERMAN	22	01/13/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

SUGAR LAND	TMH PHYSICIAN ORGANIZATION DBA METHODIST SUGAR LAND CARDIOLOGY ASSOCIATES	L06575	SUGAR LAND	06	01/10/25
SWEENEY	CHEVRON PHILLIPS CHEMICAL COMPANY LP	L06771	SWEENEY	06	01/14/25
THROUGHOUT TX	CMT ASSOCIATES LLC	L06945	ARGYLE	06	01/07/25
THROUGHOUT TX	HVJ SOUTH CENTRAL TEXAS - M&J INC	L06858	AUSTIN	11	01/06/25
THROUGHOUT TX	INSPECTION ASSOCIATES INC	L06601	CYPRESS	25	01/08/25
THROUGHOUT TX	TGI GEOTECHNICS INC	L06864	HOUSTON	05	01/13/25
THROUGHOUT TX	PHOENIX MECHANICAL INTEGRITY SERVICES	L06787	HOUSTON	15	01/08/25
THROUGHOUT TX	NEXTier COMPLETION SOLUTIONS INC	L06712	HOUSTON	29	01/06/25
THROUGHOUT TX	HVJ ASSOCIATES INC	L03813	HOUSTON	77	01/10/25
THROUGHOUT TX	MEMORIAL HERMANN HOSPITAL SYSTEM	L00650	HOUSTON	99	01/14/25
THROUGHOUT TX	HOWLAND ENGINEERING AND SURVEYING CO INC	L05543	LAREDO	12	01/13/25
THROUGHOUT TX	CIMA INSPECTION LLC	L06910	PASADENA	05	01/14/25
THROUGHOUT TX	SCHLUMBERGER TECHNOLOGY CORPORATION	L06303	SUGAR LAND	30	01/10/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

THROUGHOUT TX.	HALLIBURTON ENERGY SERVICES INC	L03284	ALVARADO	48	01/06/25
THROUGHOUT TX.	BARRACUDA SPECIALTY SERVICE LLC	L06915	HUMBLE	13	01/06/25
THROUGHOUT TX.	OLIDEN TECHNOLOGY LLC	L06977	STAFFORD	04	01/06/25
WEBSTER	CLS HEALTH PLLC DBA CLEAR LAKE SPECIALTIES	L07218	WEBSTER	02	01/06/25
WEBSTER	TEXAS ONCOLOGY PA DEKE SLAYTON MEMORIAL CANCER CENTER	L06465	WEBSTER	14	01/13/25

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ALVIN	ASCEND PERFORMANCE MATERIALS TEXAS LLC	L06630	ALVIN	12	01/09/25
HOUSTON	WOODLANDS SPECIALTY HOSPITAL PLLC	L06656	HOUSTON	07	01/13/25
NEW BRAUNFELS	CHRISTUS SANTA ROSA HEALTH CARE CORPORATION DBA CHRISTUS SANTA ROSA HOSPITAL-NEW BRAUNFELS	L02429	NEW BRAUNFELS	56	01/09/25
SEGUIN	GUADALUPE REGIONAL MEDICAL CENTER	L02292	SEGUIN	60	01/08/25

RENEWAL OF LICENSES ISSUED: (continued)

THE WOODLANDS	MEMORIAL HERMANN HEALTH SYSTEM DBA MEMORIAL HERMANN SOUTHWEST HOSPITAL	L00439	THE WOODLANDS	273	01/08/25
WAXAHACHIE	BAYLOR MEDICAL CENTER AT WAXAHACHIE DBA BAYLOR SCOTT & WHITE MEDICAL CENTER - WAXAHACHIE	L04536	WAXAHACHIE	61	01/09/25

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
BROWNWOOD	CITY OF BROWNWOOD ENGINEERING DEPARTMENT	L05073	BROWNWOOD	12	01/06/25
TEXARKANA	BRIM HEALTHCARE OF TEXAS LLC DBA WADLEY REGIONAL MEDICAL CENTER	L06242	TEXARKANA	08	01/10/25

TRD-202500752
 Cynthia Hernandez
 General Counsel
 Department of State Health Services
 Filed: February 26, 2025

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 Licensing Actions for Radioactive Materials

During the second half of January 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ANGLETON	TELIX ISOTHERAPEUTICS GROUP INC	L05969	ANGLETON	57	01/29/25
ARLINGTON	UNIVERSITY OF TEXAS AT ARLINGTON	L00248	ARLINGTON	65	01/21/25
AUSTIN	ST DAVIDS HEALTHCARE PARTNERSHIP LP LLP DBA ST DAVIDS MEDICAL CENTER	L00740	AUSTIN	190	01/29/25
BAYTOWN	SAN JACINTO METHODIST HOSPITAL DBA HOUSTON METHODIST BAYTOWN HOSPITAL	L02388	BAYTOWN	88	01/29/25
BORGER	CHEVRON PHILLIPS CHEMICAL COMPANY LP	L05181	BORGER	30	01/23/25
CLEBURNE	TEXAS HEALTH HARRIS METHODIST HOSPITAL CLEBURNE	L02039	CLEBURNE	52	01/29/25
COLLEGE STATION	TEXAS A&M UNIVERSITY	L00448	COLLEGE STATION	186	01/27/25
CONROE	AMERICAN ONCOLOGY PARTNERS PA DBA WOODLANDS CANCER CENTER INSTITUTE	L07254	CONROE	01	01/29/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

CYPRESS	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST CYPRESS HOSPITAL	L07237	CYPRESS	01	01/31/25
DALLAS	SOFIE CO	L06174	DALLAS	42	01/27/25
DALLAS	HEARTPLACE PLLC	L04607	DALLAS	84	01/21/25
EASTLAND	EASTLAND MEMORIAL HOSPITAL DISTRICT	L06823	EASTLAND	02	01/27/25
FORT WORTH	TARRANT COUNTY HOSPITAL DISTRICT JPS HEALTH NETWORK	L02208	FORT WORTH	96	01/21/25
HARLINGEN	TEXAS ONCOLOGY PADBA SOUTH TEXAS CANCER CENTER HARLINGEN	L00154	HARLINGEN	57	01/17/25
HOUSTON	BAKER HUGHES OILFIELD OPERATIONS LLC	L07047	HOUSTON	02	01/30/25
HOUSTON	JUBILANT DRAXIMAGE INC DBA JUBILANT RADIOPHARMA	L06944	HOUSTON	15	01/16/25
HOUSTON	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST WEST HOSPITAL	L06358	HOUSTON	22	01/31/25
HOUSTON	INNOVATIVE RADIOLOGY PA	L05184	HOUSTON	27	01/29/25
HOUSTON	MEDICAL CLINIC OF HOUSTON LLP	L01315	HOUSTON	42	01/29/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

HOUSTON	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST WILLOWBROOK HOSPITAL	L05472	HOUSTON	78	01/31/25
IRVING	COLUMBIA MEDICAL CENTER OF LAS COLINAS INC DBA MEDICAL CITY LAS COLINAS	L05084	IRVING	29	01/29/25
IRVING	BAYLOR MEDICAL CENTER AT IRVING DBA BAYLOR SCOTT & WHITE MEDICAL CENTER-IRVING	L02444	IRVING	132	01/21/25
KILLEEN	METROPLEX ADVENTIST HOSPITAL INC DBA ADVENTHEALTH CENTRAL TEXAS	L03185	KILLEEN	40	01/27/25
LA PORTE	INDUSTRIAL NUCLEAR COMPANY INC	L04508	LA PORTE	35	01/23/25
LAKE JACKSON	DOW HYDROCARBONS AND RESOURCES LLC	L07234	LAKE JACKSON	01	01/15/25
LAREDO	LAREDO REGIONAL MEDICAL CENTER LP DBA DOCTORS HOSPITAL OF LAREDO	L02192	LAREDO	54	01/29/25
MCALLEN	MCALLEN HOSPITALS LP	L01713	MCALLEN	104	01/15/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

MIDLAND	MIDLAND COUNTY HOSPITAL DISTRICT DBA MIDLAND MEMORIAL HOSPITAL	L00728	MIDLAND	131	01/31/25
MIDLOTHIAN	ASH GROVE CEMENT COMPANY	L06629	MIDLOTHIAN	07	01/27/25
NACOGDOCHES	NACOGDOCHES COUNTY HOSPITAL DISTRICT DBA NCHD MEMORIAL HOSPITAL	L01071	NACOGDOCHES	59	01/22/25
NASSAU BAY	HOUSTON METHODIST ST JOHN HOSPITAL DBA HOUSTON METHODIST CLEAR LAKE HOSPITAL	L06650	NASSAU BAY	14	01/29/25
PLANO	COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY LP DBA MEDICAL CITY PLANO	L02032	PLANO	133	01/15/25
SAN ANGELO	SHANNON MEDICAL CENTER	L02174	SAN ANGELO	87	01/29/25
SAN ANTONIO	UNIVERSITY OF TEXAS AT SAN ANTONIO	L01962	SAN ANTONIO	75	01/27/25
SHERMAN	NORTH TEXAS COMPREHENSIVE CARDIOLOGY PLLC	L06797	SHERMAN	10	01/29/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

SNYDER	SCURRY COUNTY HOSPITAL DISTRICT DBA DM COGDELL MEMORIAL HOSPITAL	L02409	SNYDER	38	01/15/25
SUGAR LAND	ST LUKES COMMUNITY DEVELOPMENT CORPORATION – SUGAR LAND DBA ST LUKES SUGAR LAND HOSPITAL	L06532	SUGAR LAND	06	01/15/25
SUGAR LAND	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST SUGAR LAND HOSPITAL	L05788	SUGAR LAND	64	01/31/25
THE WOODLANDS	METHODIST HEALTH CENTER DBA HOUSTON METHODIST THE WOODLANDS HOSPITAL	L06861	THE WOODLANDS	25	01/31/25
THROUGHOUT TX	CAPITAL GEOTECHNICAL SERVICES PLLC	L06675	Austin	07	01/17/25
THROUGHOUT TX	TEXTERRA ENGINEERING LLC	L06689	CARROLLTON	11	01/15/25
THROUGHOUT TX	TEXAS A&M UNIVERSITY ENVIRONMENTAL HEALTH & SAFETY	L05683	COLLEGE STATION	49	01/27/25
THROUGHOUT TX	WSP USA IN	L03622	EL PASO	16	01/24/25
THROUGHOUT TX	AMERICAN DIAGNOSTIC TECH LLC	L05514	HOUSTON	174	01/28/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

THROUGHOUT TX	XCEL NDT LLC	L07039	LONGVIEW	07	01/28/25
THROUGHOUT TX	CITY OF LUBBOCK ENGINEERING	L01735	LUBBOCK	41	01/31/25
THROUGHOUT TX	L&G CONSULTING ENGINEERS INC	L06671	MERCEDES	04	01/24/25
THROUGHOUT TX	MAGRYM CONSULTING INC	L07213	MIDLAND	01	01/24/25
THROUGHOUT TX	GUARDIAN NDT LLC	L07204	ODESSA	02	01/21/25
THROUGHOUT TX	CMP GROUP LLC	L02397	PEARLAND	23	01/15/25
THROUGHOUT TX	FENAGH LLC	L07124	ROUND ROCK	06	01/30/25
WALLER	NRG MANUFACTURING INC	L06550	WALLER	09	01/16/25

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AUSTIN	ST DAVIDS HEALTHCARE PARTNERSHIP LP LLP DBA ST DAVIDS SOUTH AUSTIN MEDICAL CENTER	L03273	AUSTIN	130	01/17/25
DENTON	COLUMBIA MEDICAL CENTER OF DENTON SUBSIDIARY LP DBA MEDICAL CITY DENTON	L02764	DENTON	81	01/27/25

RENEWAL OF LICENSES ISSUED: (continued)

KINGWOOD	LIEBER-MOORE CARDIOLOGY ASSOCIATES PA DBA TEXAS CARDIOLOGY ASSOCIATES OF HOUSTON	L04622	KINGWOOD	27	01/23/25
LA PORTE	THE CHEMOURS COMPANY FC LLC	L06683	LA PORTE	09	01/31/25
SAN ANTONIO	CHRISTUS SANTA ROSA HEALTH CARE CORPORATION	L02237	SAN ANTONIO	181	01/27/25
WACO	ASCENSION PROVIDENCE	L01638	WACO	79	01/24/25

TRD-202500753
 Cynthia Hernandez
 General Counsel
 Department of State Health Services
 Filed: February 26, 2025

Order Temporarily Placing *N*-Desethyl Isotonitazene
 and *N*-Piperidinyl Etonitazene in Schedule I and
 Placing Ethylphenidate, Butonitazene, Flunitazene, and
 Metodesnitazene in Schedule I



- I. The U.S. Drug Enforcement Administration issued a temporary order placing *N*-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (other name: *N*-desethyl isotonitazene) and 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1*H*-benzimidazole (other names: *N*-piperidinyl etonitazene; etonitazepipne), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, in schedule I of the Controlled Substances Act effective July 29, 2024. This temporary scheduling order was published in the *Federal Register*, Volume 89, Number 145, pages 60817-60823.

This scheduling action was taken pursuant to *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene having:

1. pharmacological profiles similar to those of the potent benzimidazole-opioids etonitazene and isotonitazene, schedule I opioid substances;
2. high potential for abuse;
3. no currently accepted medical use in treatment in the United States; and
4. a lack of accepted safety for use under medical supervision.

- II. The U.S. Drug Enforcement Administration issued a final rule placing ethylphenidate (other name: ethyl 2-phenyl-2-(piperidin-2-yl)acetate), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act effective November 21, 2024. This final rule was published in the *Federal Register*, Volume 89, Number 204, pages 84281-84286.

This scheduling action was taken pursuant to ethylphenidate having:

1. high potential for abuse that is comparable to other scheduled substances, such as methylphenidate (schedule II);
2. no currently accepted medical use in treatment in the United States; and
3. a lack of accepted safety for use under medical supervision.

- III. The U.S. Drug Enforcement Administration issued a final rule placing butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine), flunitazene (*N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-

1*H*-benzimidazol-1-yl)ethan-1-amine), and metodesnitazene (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine) including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, in schedule I of the CSA effective October 25, 2024. This final rule was published in the *Federal Register*, Volume 89, Number 207, pages 85047-85050.

This scheduling action was taken pursuant to butonitazene, flunitazene, and metodesnitazene having:

1. a high potential for abuse, similar to etonitazene, fentanyl, and other mu-opioid receptor agonists;
2. no currently accepted medical use in treatment in the United States; and
3. a lack of accepted safety for use under medical supervision.

Pursuant to the Texas Controlled Substances Act, Health and Safety Code Section 481.034(g), at least thirty-one days have expired since notice of the above referenced actions were published in the Federal Register. In the capacity as Commissioner of the Texas Department of State Health Services, Jennifer Shuford, M.D., does hereby order that the substances *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene be temporarily placed in schedule I and ethylphenidate, butonitazene, flunitazene, and metodesnitazene be placed in schedule I.

NOTE: Additions are marked by an asterisk (*).

-Schedule I Opiates

The following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts are possible within the specific chemical designation:

- (1) Acetyl- α -methylfentanyl (*N*-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-*N*-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);

- (4) Acryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide) (Other name: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-*N*-[1-(dimethylamino)cyclohexymethyl]benzamide);
- (6) Allylprodine;
- (7) Alphacetylmethadol (except levo- α -cetylmethadol, levo- α -acetylmethadol, levomethadyl acetate, or LAAM);
- (8) α' -Methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
- (9) α -Methylfentanyl or any other derivative of fentanyl;
- (10) α -Methylthiofentanyl (*N*-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl] *N*-phenylpropanamide);
- (11) Benzethidine;
- (12) β -Hydroxyfentanyl (*N*-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-*N*-phenylpropanamide);
- (13) β -Hydroxy-3-methylfentanyl (*N*-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-*N*-phenylpropanamide);
- (14) β -hydroxythiofentanyl (Other names: *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide; *N*-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-*N*-phenylpropanamide);
- (15) β -Methyl fentanyl (*N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide);
- (16) β' -Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide) (Other name: 3-phenylpropanoyl fentanyl);
- (17) Betaprodine;
- (18) Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one);
- * (19) Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine);
- (20) Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
- (21) Clonitazene;
- (22) Crotonyl fentanyl (Other name: (6-2-5) (E)-*N*-(1-Phenethylpiperidin-4-yl)-*N*-phenylbut-2-enamide);
- (23) Cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-Phenylcyclopentanecarboxamide);
- (24) Cyclopropyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopropanecarboxamide);
- (25) Diampromide;
- (26) Diethylthiambutene;
- (27) Difenoxin;
- (28) Dimenoxadol;
- (29) 2',5'-Dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide);

- (30) Dimethylthiambutene;
- (31) Dioxaphetyl butyrate;
- (32) Dipipanone;
- (33) Ethylmethylthiambutene;
- (34) 2-(2-(4-ethoxybenzyl)-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (Other names: etodesnitazene; etazene);
- (35) Etonitazene;
- (36) Etoxidine;
- (37) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);
- *(38) Flunitazene (*N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (39) 4-Fluoroisobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) (Other name: *p*-fluoroisobutyryl fentanyl);
- (40) 2'-Fluoro *o*-fluorofentanyl (*N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide) (Other name: 2'-fluoro 2-fluorofentanyl);
- (41) Furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-2-carboxamide);
- (42) 3-Furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide);
- (43) Furethidine;
- (44) Hydroxypethidine;
- (45) Isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide);
- (46) Isotonitazene (*N,N*-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (47) Isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
- (48) Ketobemidone;
- (49) Levophenacetylmorphan;
- (50) *m*-Fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide);
- (51) *m*-Fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (52) Meprodine;
- (53) Methadol;
- (54) Methoxyacetyl fentanyl (2-methoxy-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);
- (55) 2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one);
- (56) 4'-Methyl acetyl fentanyl (*N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide);

- (57) 3-Methylfentanyl (*N*-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-*N*-phenylpropanamide);
- (58) 3-Methylthiofentanyl (*N*-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-*N*-phenylpropanamide);
- *(59) Metodesnitazene (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (60) Metonitazene (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (61) Moramide;
- (62) Morpheridine;
- (63) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (64) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- (65) Noracymethadol;
- (66) Norlevorphanol;
- (67) Normethadone;
- (68) Norpipanone;
- (69) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (other names: *N*-pyrrolidino etonitazene; etonitazepyne);
- (70) Ocfentanil (*N*-(2-fluorophenyl)-2-methoxy-*N*-(1-phenethylpiperidin-4-yl)acetamide);
- (71) *o*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide);
- (72) *o*-Fluorobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide) (Other name: 2-fluorobutyryl fentanyl);
- (73) *o*-Fluorofentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- (74) *o*-Fluorofuranyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (75) *o*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (76) *o*-Methyl acetylfentanyl (*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl acetylfentanyl);
- (77) *o*-Methyl methoxyacetyl fentanyl (2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl methoxyacetyl fentanyl);
- (78) *p*-Chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (79) *p*-Fluorobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (80) *p*-Fluorofentanyl (*N*-(4-fluorophenyl)-*N*-[1-(2-phenethyl)-4 piperidinyl]propanamide);
- (81) *p*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

- (82) *p*-Methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (83) *p*-Methoxyfuranyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (84) *p*-Methylcyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);
- (85) *p*-Methylfentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 4-methylfentanyl);
- (86) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (87) Phenadoxone;
- (88) Phenampromide;
- (89) Phencyclidine;
- (90) Phenomorphan;
- (91) Phenoperidine;
- (92) Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide) (Other name: benzoyl fentanyl);
- (93) Piritramide;
- (94) Proheptazine;
- (95) Properidine;
- (96) Propiram;
- (97) *N,N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine (other name: protonitazene);
- (98) Tetrahydrofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenyltetrahydrofuran-2-carboxamide);
- (99) Thiofentanyl (*N*-phenyl-*N*-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (100) Thiofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide) (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- (101) Tilidine;
- (102) Trimeperidine;
- (103) U-47700 (3,4-dichloro-*N*-[2-(dimethylamino)cyclohexyl]-*N*-methylbenzamide);
- (104) Valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide); and,
- (105) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol).

-Schedule I Stimulants

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amineptine 7-((10,11-dihydro-5H-dibenzo(a,d)cyclohepten-5-yl)amino)heptanoic acid;
- (2) Aminorex (Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);
- (3) *N*-Benzylpiperazine (Other names: BZP; 1-benzylpiperazine), its optical isomers, salts and salts of isomers;
- (4) Cathinone (Other names: 2-amino-1-phenyl-1-propanone; α -aminopropiophenone; 2-aminopropiophenone; norephedrone);
- (5) 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine);
- * (6) Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate);
- (7) Fenethylamine;
- (8) Methcathinone (Other names: 2-(methylamino)-propionophenone; α -(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; α -*N*-methylaminopropionophenone; monomethylpropion; ephedrone; *N*-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; UR1432);
- (9) Mesocarb *N*-phenyl-*N'*-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate);
- (10) Methiopropamine *N*-methyl-1-(thiophen-2-yl)propan-2-amine;
- (11) 4-Methylaminorex (Other names: U4Euh; McN-422);
- (12) *N*-Ethylamphetamine; and
- (13) *N,N*-Dimethylamphetamine (Other names: *N,N*- α -trimethylbenzene-ethaneamine; *N,N*- α -trimethylphenethylamine).

-Schedule I Temporarily Listed Substances Subject to Emergency Scheduling by the U.S. Drug Enforcement Administration

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of the substance's isomers, esters, ethers, salts and salts of isomers, esters, and ethers if the existence of the salts, esters, ethers isomers, and salts of isomers, esters, ethers is possible within the specific chemical designation:

- (1) Fentanyl-related substances.

(1-1) Fentanyl-related substance means any substance not otherwise listed under another Administration Controlled Substance Code Number, and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that is structurally related to fentanyl by one or more of the following modifications:

(1-1-1) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(1-1-2) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;

(1-1-3) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(1-1-4) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(1-1-5) Replacement of the *N*-propionyl group by another acyl group.

(1-2) This definition includes, but is not limited to, the following substances:

(1-2-1) *N*-(1-(2-Fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (Other name: 2'-fluoro-*o*-fluorofentanyl);

(1-2-2) *N*-(2-Methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: *o*-methyl acetylfentanyl);

(1-2-3) *N*-(1-Phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (Other names: β' -phenyl fentanyl; hydrocinnamoyl fentanyl); and,

(1-2-4) *N*-(1-Phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (Other name: thiofuranyl fentanyl).

(2) 4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*q*][1,4]diazepine (Other name: etizolam);

(3) 8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*q*][1,4]diazepine (Other name: flualprazolam);

(4) 6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*q*][1,4]diazepine (Other name: clonazolam);

(5) 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*q*][1,4]diazepine (Other names: 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-[1,2,4]triazolo[4,3-*q*][1,4]benzodiazepine and flubromazolam);

(6) 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one (Other name: diclazepam);

(7) Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate (Other name: MDMB-4en-PINACA);

(8) Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (Other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA);

(9) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamide (Other name: ADB-4en-PINACA);

(10) 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-*b*]indol-1-one (Other names: CUMYL-PEGACLONE; SGT-151);

- (11) Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (Other names: 5F-EDMB-PICA; 5F-EDMB-2201);
- (12) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (Other name: MMB-FUBICA);
- *(13) *N*-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: *N*-desethyl isotonitazene); and
- *(14) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1*H*-benzimidazole (Other names: *N*-piperidinyl etonitazene; etonitazepipne).

Jennifer Shuford, M.D., M.P.H.

Date

TRD-202500754
 Cynthia Hernandez
 General Counsel
 Department of State Health Services
 Filed: February 27, 2025

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Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for Nevada General Insurance Company, a foreign fire and/or casualty company. The home office is in Carson City, Nevada.

Application for Bestow Life Insurance Company, a foreign life, accident and/or health company, to change its name to Lantern Insurance Company. The home office is in West Des Moines, Iowa.

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 78711.

TRD-202500801
 Justin Beam
 Chief Clerk
 Texas Department of Insurance
 Filed: March 5, 2025

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Texas Lottery Commission

Notice of Public Comment Hearing

A public hearing to receive comments regarding proposed amendments to 16 TAC §§401.158 (Suspension or Revocation of License), 401.160 (Standard Penalty Chart), and 401.355 (Restricted Sales) will be held on Thursday, April 3, 2025, at 10:00 a.m., at 1801 Congress Ave., Austin, Texas 78701, George H. W. Bush Building, 4th Floor, Board Room 4.300. The purpose of the proposed amendments is to promote and ensure integrity, security, honesty, and fairness in the operation and administration of the Texas Lottery by prohibiting the use of lottery

ticket courier services that, by any remote means, such as telephone, Internet application, or mobile application, accept and fulfill, for a fee or compensation, orders to purchase lottery tickets on behalf of another person not present to effect an in-person sale (couriers). The Texas Lottery Commission intends to exercise this authority through administrative enforcement proceedings to revoke the lottery ticket sales agent license of a retailer that works in concert with a courier, whether under a common ownership arrangement or otherwise.

Persons requiring any accommodation for disability should notify Dorota Bienkowska at (512) 344-5392 or via email at dorota.bienkowska@lottery.state.tx.us at least 72 hours prior to the public hearing.

TRD-202500799
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: March 5, 2025

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Scratch Ticket Game Number 2636 "\$1,000,000 RICHES"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2636 is "\$1,000,000 RICHES". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2636 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2636.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol- The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03,

04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000 and \$1,000,000.

D. Play Symbol Caption- The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2636 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$1,000,000	TPPZ

E. Serial Number- A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2636), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2636-0000001-001.

H. Pack - A Pack of the "\$1,000,000 RICHES" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$1,000,000 RICHES" Scratch Ticket Game No. 2636.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$1,000,000 RICHES" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-six (56) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly fifty-six (56) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-six (56) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the fifty-six (56) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-six (56) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to five (5) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$1,000,000 RICHES" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$1,000,000 RICHES" Scratch Ticket Game prize of \$1,000, \$5,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$1,000,000 RICHES" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$1,000,000 RICHES" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$1,000,000 RICHES" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto.

Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2636. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2636 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	964,800	8.33
\$20.00	482,400	16.67
\$30.00	321,600	25.00
\$50.00	241,200	33.33
\$100	80,400	100.00
\$200	10,720	750.00
\$500	2,077	3,870.97
\$1,000	40	201,000.00
\$5,000	6	1,340,000.00
\$1,000,000	4	2,010,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.82. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2636 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2636, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202500791
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: March 4, 2025



Scratch Ticket Game Number 2639 "DOUBLE SIDED DOLLARS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2639 is "DOUBLE SIDED DOLLARS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2639 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2639.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol – The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02,

03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 5X SYMBOL, 10X SYMBOL, 100X SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$5,000 and \$100,000.

D. Play Symbol Caption – The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2639 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON

32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
57	FFSV
58	FFET
59	FFNI
60	SXTY
5X SYMBOL	WINX5
10X SYMBOL	WINX10
100X SYMBOL	WINX100

\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWV\$
\$50.00	FIFTY\$
\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$100,000	100TH

E. Serial Number – A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2639), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2639-0000001-001.

H. Pack - A Pack of the "DOUBLE SIDED DOLLARS" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "DOUBLE SIDED DOLLARS" Scratch Ticket Game No. 2639.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "DOUBLE SIDED DOLLARS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-seven (67) Play Symbols. GAME 1 (TICKET FRONT): If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the

player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the player reveals a "100X" Play Symbol, the player wins 100 TIMES the prize for that symbol. GAME 2 (TICKET BACK): If a player matches any of the YOUR NUMBERS Play Symbols to either of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-seven (67) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-seven (67) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-seven (67) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-seven (67) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. GAME 1 (Ticket Front) - Key Number Match: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

D. GAME 1 (Ticket Front) - Key Number Match: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. GAME 1 (Ticket Front) - Key Number Match: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. GAME 1 (Ticket Front) - Key Number Match: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. GAME 1 (Ticket Front) - Key Number Match: A Ticket may have up to three (3) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. GAME 1 (Ticket Front) - Key Number Match: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. GAME 1 (Ticket Front) - Key Number Match: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. GAME 1 (Ticket Front) - Key Number Match: The "100X" (WINX100) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

K. GAME 2 (Ticket Back) - Key Number Match: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 50 and \$50).

L. GAME 2 (Ticket Back) - Key Number Match: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

M. GAME 2 (Ticket Back) - Key Number Match: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

N. GAME 2 (Ticket Back) - Key Number Match: A non-winning Prize Symbol will never match a winning Prize Symbol.

O. GAME 2 (Ticket Back) - Key Number Match: A Ticket may have up to two (2) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

P. GAME 2 (Ticket Back) - Key Number Match: No win(s) will appear in GAME 2 on the Ticket back, unless there is at least one (1) win in GAME 1 on the Ticketfront.

2.3 Procedure for Claiming Prizes.

A. To claim a "DOUBLE SIDED DOLLARS" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "DOUBLE SIDED DOLLARS" Scratch Ticket Game prize of \$1,000, \$5,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "DOUBLE SIDED DOLLARS" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "DOUBLE SIDED DOLLARS" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian

a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "DOUBLE SIDED DOLLARS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 7,080,000 Scratch Tickets in Scratch Ticket Game No. 2639. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2639 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	731,600	9.68
\$10.00	542,800	13.04
\$20.00	94,400	75.00
\$25.00	141,600	50.00
\$50.00	94,400	75.00
\$100	20,945	338.03
\$500	3,540	2,000.00
\$1,000	395	17,924.05
\$5,000	10	708,000.00
\$100,000	6	1,180,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.34. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2639 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2639, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202500792

Bob Biard

General Counsel

Texas Lottery Commission

Filed: March 4, 2025



North Central Texas Council of Governments

Request for Proposals for Predictive Crash Analysis Software

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms for the Predictive Crash Analysis Software Project. This project is for the procurement of a safety analysis software license or tool which will improve our roadway safety improvement candidate selection processes by proactively calculating crash risk at intersections or along roadway segments throughout the North Central Texas region. The software will do this by incorporating the predictive method described in AASHTO's Highway Safety Manual.

Proposals must be received in-hand no later than **5:00 p.m., Central Time, on Friday, April 11, 2025**, to Sonya Landrum, Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to TransRFPs@nctcog.org. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on **Friday, March 14, 2025**.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202500793

Mike Eastland
Executive Director
North Central Texas Council of Governments
Filed: March 4, 2025

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Texas Department of Transportation

Request for Proposals – Traffic Safety Program

In accordance with 43 TAC §25.901 et seq., the Texas Department of Transportation (TxDOT) is requesting project proposals to support the targets and strategies of its traffic safety program to reduce the number of motor vehicle related crashes, injuries, and fatalities in Texas. These targets and strategies form the basis for the Federal Fiscal Year 2026 (FY 2026) Texas Highway Safety Plan (HSP).

Authority and responsibility for funding of the traffic safety grant program derives from the National Highway Safety Act of 1966 (23 USC §401 et seq.), and the Texas Traffic Safety Act of 1967 (Transportation Code, Chapter 723). The Behavioral Traffic Safety Section (TRF-BTS) is an integral part of TxDOT and works through 25 districts for local

projects. The program is administered at the state level by TxDOT's Traffic Safety Division (TRF). The Executive Director of TxDOT is the designated Governor's Highway Safety Representative.

The following information is related to the FY 2026 Selective Traffic Enforcement Program (STEP) Traffic Safety Grants – Request for Proposals (RFP). Please review the full FY 2026 STEP RFP located online at: <https://egrants.bts.txdot.gov/eGrantsHelp/RFP/2026/STEPRFP2026.pdf>

STEP Proposals for highway safety funding are due to the TRF-BTS no later than 5:00 p.m. CST, Friday, April 18th, 2025.

The proposals must be completed and submitted using eGrants, which can be found by going to <https://egrants.bts.txdot.gov/>

TRD-202500758

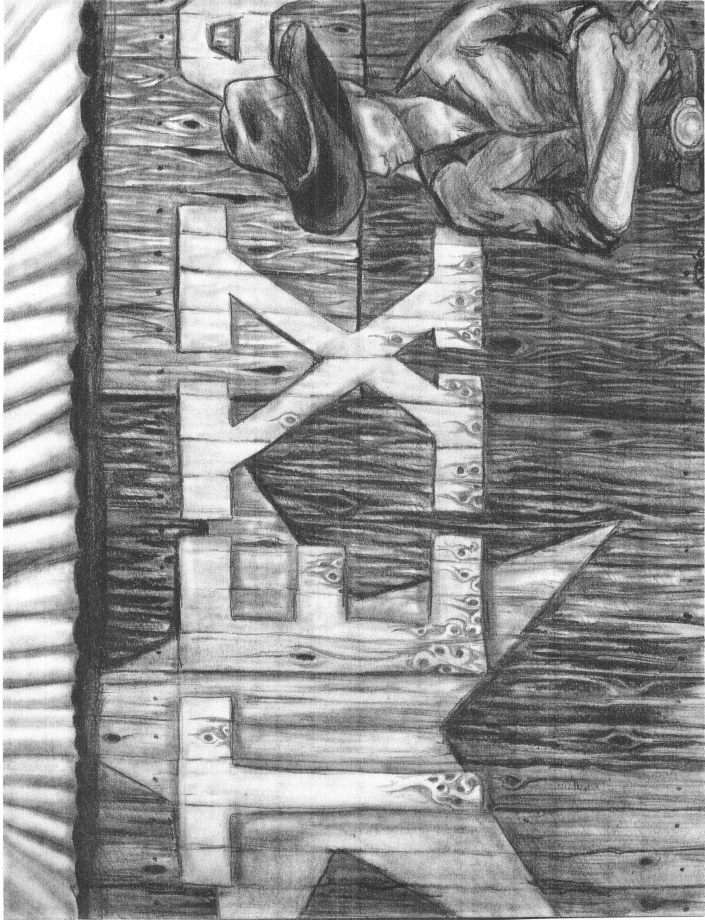
Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: February 28, 2025

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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 50 (2025) is cited as follows: 50 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 “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 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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