

TRANSFERRED RULES

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

Department of Aging and Disability Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rule in Texas Administrative Code, Title 40, Part 1, Chapter 49, Contracting for Community Services is being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 52, Contracting for Community Services.

The rule will be transferred in the Texas Administrative Code effective April 29, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 49

TRD-202401166

Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rule in Texas Administrative Code, Title 40, Part 1, Chapter 49, Contracting for Community Services is being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 52, Contracting for Community Services.

The rule will be transferred in the Texas Administrative Code effective April 29, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 49

TRD-202401172

Figure: 40 TAC Chapter 49

Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 49. Contracting for Community Services	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 52. Contracting for Community Services
Subchapter A. Application and Definitions	Subchapter A. Application and Definitions
§49.101. Application.	§52.1. Application.
§49.102. Definitions.	§52.3. Definitions.
Subchapter B. Contractor Enrollment	Subchapter B. Contractor Enrollment
§49.201. Contractors Not Subject to Certain Portions of Subchapter B.	§52.25. Contractors Not Subject to Certain Portions of Subchapter B.
§49.202. Provisional Contract.	§52.27. Provisional Contract.
§49.203. Provisional Contract Application Process.	§52.29. Provisional Contract Application Process.
§49.204. Additional Provisional Contract Application Requirements.	§52.31. Additional Provisional Contract Application Requirements.
§49.205. License, Certification, Accreditation, and Other Requirements.	§52.33. License, Certification, Accreditation, and Other Requirements.
§49.206. Ineligibility Due to Criminal History.	§52.35. Ineligibility Due to Criminal History.
§49.207. Provisional Contract Application Denial.	§52.37. Provisional Contract Application Denial.
§49.208. Provisional Contract Application Approval.	§52.39. Provisional Contract Application Approval.
§49.209. Standard Contract.	§52.41. Standard Contract.
§49.210. Contractor Change of Ownership or Legal Entity.	§52.43. Contractor Change of Ownership or Legal Entity.
§49.211. Religious Organization Applicants.	§52.45. Religious Organization Applicants.
Subchapter C. Requirements of a Contractor	Subchapter C. Requirements of a Contractor
§49.301. Contractors Not Subject to Certain Portions of Subchapter C.	§52.101. Contractors Not Subject to Certain Portions of Subchapter C.
§49.302. General Requirements.	§52.103. General Requirements.
§49.303. Confidentiality of Information.	§52.105. Confidentiality of Information.
§49.304. Background Checks.	§52.107. Background Checks.
§49.305. Records.	§52.109. Records.
§49.306. Electronic Visit Verification System.	§52.111. Electronic Visit Verification System.
§49.307. Record Retention and Disposition.	§52.113. Record Retention and Disposition.
§49.308. Subcontracts.	§52.115. Subcontracts.
§49.309. Complaint Process.	§52.117. Complaint Process.
§49.310. Abuse, Neglect, and Exploitation Allegations.	§52.119. Abuse, Neglect, and Exploitation Allegations.
§49.311. Claims Payment.	§52.121. Claims Payment.
§49.312. Personal Attendants.	§52.123. Personal Attendants.
§49.313. Day Habilitation Requirements in the HCS Program, the TxHmL Program, and the DBMD Program and Prevocational Services Requirements in the CLASS Program.	§52.125. Day Habilitation Requirements in the HCS Program, the TxHmL Program, and the DBMD Program and Prevocational Services Requirements in the CLASS Program.
Subchapter D. Monitoring and Investigation of a Contractor	Subchapter D. Monitoring and Investigation of a Contractor

Division 1. Applicability of Subchapter	Division 1. Applicability of Subchapter
§49.401. Contractors Not Subject to Subchapter D.	§52.201. Contractors Not Subject to Subchapter D.
Division 2. Monitoring and Investigation	Division 2. Monitoring and Investigation
§49.411. Contract and Fiscal Monitoring.	§52.211. Contract and Fiscal Monitoring.
§49.413. Investigation.	§52.213. Investigation.
§49.414. Financial Review.	§52.215. Financial Review.
Subchapter E. Enforcement by HHSC, Termination by Contractor, and No Offer of Standard Contract by HHSC	Subchapter E. Enforcement by HHSC, Termination by Contractor, and No Offer of Standard Contract by HHSC
Division 1. Applicability of Subchapter	Division 1. Applicability of Subchapter
§49.501. Contractors Not Subject to Certain Portions of Subchapter E.	§52.231. Contractors Not Subject to Certain Portions of Subchapter E.
Division 2. Immediate Protection	Division 2. Immediate Protection
§49.511. Immediate Protection and Immediate Protection Plan.	§52.251. Immediate Protection and Immediate Protection Plan.
Division 3. Actions	Division 3. Actions
§49.521. Action by HHSC.	§52.271. Action by HHSC.
§49.522. Corrective Action Plan.	§52.273. Corrective Action Plan.
§49.523. Referral Hold.	§52.275. Referral Hold.
Division 4. Sanctions	Division 4. Sanctions
§49.531. Sanction by HHSC.	§52.301. Sanction by HHSC.
§49.532. Vendor Hold.	§52.311. Vendor Hold.
§49.533. Recoupment.	§52.313. Recoupment.
§49.534. Termination of Contract by HHSC.	§52.315. Termination of Contract by HHSC.
§49.535. Administrative Penalties in the HCS and TxHmL Programs.	§52.317. Administrative Penalties in the HCS and TxHmL Programs.
Division 5. Appeals	Division 5. Appeals
§49.541. Contractor's Right to Appeal.	§52.351. Contractor's Right to Appeal.
Division 6. Contractor Terminating Contract or Not Entering into Standard Contract	Division 6. Contractor Terminating Contract or Not Entering into Standard Contract
§49.551. Contractor Terminating Contract or Not Entering into a Standard Contract.	§52.371. Contractor Terminating Contract or Not Entering into a Standard Contract.
Division 7. HHSC Does Not Offer a Standard Contract	Division 7. HHSC Does Not Offer a Standard Contract
§49.561. HHSC Does Not Offer a Standard Contract.	§52.391. HHSC Does Not Offer a Standard Contract.
Subchapter F. Review by HHSC of Expiring or Terminated Contract	Subchapter F. Review by HHSC of Expiring or Terminated Contract
§49.601. HHSC Review and Contractor Requirements Related to Expiring or Terminated Contract.	§52.601. HHSC Review and Contractor Requirements Related to Expiring or Terminated Contract.
Subchapter G. Application Denial Period	Subchapter G. Application Denial Period
§49.701. Contractors Not Subject to Subchapter G.	§52.701. Contractors Not Subject to Subchapter G.
§49.702. Application Denial Period.	§52.702. Application Denial Period.

