

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

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code:

Chapter 358, Medicaid Eligibility for the Elderly and People with Disabilities

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 358, Medicaid Eligibility for The Elderly and People with Disabilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to aes_policy_coordination@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 358" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the chapter being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code on the Secretary of State's website at www.sos.texas.gov.

TRD-202401729

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 24, 2024



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code:

Chapter 396, Employee Training and Education

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 396, Employee Training and Education, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsaskhr@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 396" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the chapter being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202401711

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 23, 2024



Texas Board of Physical Therapy Examiners

Title 22, Part 16

The Texas Board of Physical Therapy Examiners (Board) files this notice of intent to review the following chapters of Title 22, Part 16 of the Texas Administrative Code in accordance with Texas Government Code §2001.039: Chapter 321, concerning Definitions; Chapter 322, concerning Practice; Chapter 323, concerning Powers and Duties of the Board; Chapter 325, concerning Organization of the Board; Chapter 327, concerning Compensation; Chapter 329, concerning Licensing Procedure; Chapter 335, concerning Professional Title; Chapter 337, concerning Display of License; Chapter 339, concerning Fees; Chapter 341, concerning License Renewal; Chapter 342, concerning Open Records; Chapter 343, concerning Contested Case Procedure; Chapter 344, concerning Administrative Fines and Penalties; Chapter 346, concerning Practice Settings for Physical Therapy; and Chapter 348, concerning Physical Therapy Licensure Compact.

During the review, the Board will consider whether the reason for adopting the rules continues to exist, and whether the rules should be repealed, readopted, or readopted with amendments.

Comments on the review may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 1801 Congress Ave, Suite 10.900, Austin, Texas 78701 or to karen@ptot.texas.gov. Comments must be received no later than 30 days after the date this notice is published 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.

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

TRD-202401706

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Filed: April 22, 2024



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), in its own capacity and on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 417, Agency and Facility Responsibilities

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 417, Agency and Facility Responsibilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 417" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202401660

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: April 19, 2024



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 356, Family Violence Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 356, Family Violence Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to familyviolence2@hhsc.state.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 356" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the chapter being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202401661

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 19, 2024



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 324, Used Oil Standards.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 324 continue to exist.

Comments regarding suggested changes to the rules in Chapter 324 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by TCEQ.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 324. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-067-324-WS. Comments must be received by June 4, 2024. For further information, please contact Rebecca Moore, Occupational Licensing and Registration Division, at (512) 239-2463.

TRD-202401659

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 18, 2024



Adopted Rule Reviews

Texas Department of Banking

Title 7, Part 2

On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking (department) has completed the review of Texas Administrative Code, Title 7, Chapter 35 (Check Verification Entities), comprised of Subchapter A (§35.1); Subchapter B (§§35.11 - 35.19); Subchapter C (§35.31); Subchapter D (§§35.51 - 35.59); and Subchapter E (§35.71 and §35.72).

Notice of the review of Chapter 35 was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1739). No comments were received in response to the notice.

The commission believes the reasons for initially adopting Chapter 35 continue to exist. However, certain revisions may be appropriate. Proposed amendments, if any, will be published in the *Texas Register* at a later date.

The commission finds that the reasons for initially adopting these rules continue to exist and readopts these sections in accordance with the requirements of the Government Code, §2001.039.

TRD-202401666
Robert K. Nichols, III
General Counsel
Texas Department of Banking
Filed: April 19, 2024



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 98, Texas HIV Medication Program

Notice of the review of this chapter was published in the February 16, 2024, issue of the *Texas Register* (49 TexReg 882). HHSC received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 98 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agencies determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 98. Any appropriate amendments to Chapter 98 identified by HHSC and DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and DSHS' review of 25 TAC Chapter 98 as required by the Texas Government Code, §2001.039.

TRD-202401721
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: April 23, 2024



Texas Commission on Fire Protection

Title 37, Part 13

The Texas Commission on Fire Protection (the Commission) adopts the review of the Texas Administrative Code, Title 37, Part 13, Chapter 429, concerning Fire Inspector and Plan Examiner. The review was conducted pursuant to the Texas Government Code, Chapter 2001, §2001.039.

The Commission received no comments on the proposed rule review, which was published in the March 22, 2024, issue of the *Texas Register* (49 TexReg 1975).

The Commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of the Texas Administrative Code, Title 37, Part 13, Chapter 429.

TRD-202401648
Frank King
General Counsel
Texas Commission on Fire Protection
Filed: April 18, 2024



Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code (TAC):

Chapter 2, Local Authority Responsibilities

Notice of the review of this chapter was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1106). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 2 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting rules in the chapter continue to exist and readopts Chapter 2 except for:

- §2.51. Purpose;
- §2.52. Application;
- §2.53. Definitions;
- §2.54. Accountability;
- §2.55. Procurement;
- §2.56. Community Services Contracting Requirements;
- §2.57. Provisions for Community Services Contracts;
- §2.58. Competitive Procurement Methods for Community Services;
- §2.59. Non-competitive Procurement of Community Services;
- §2.60. Open Enrollment;
- §2.61. Consumer Access to Participating Community Services Contractors in Provider Network;
- §2.62. Monitoring and Enforcing Community Services Contracts;
- §2.63. References;
- §2.64. Distribution;
- §2.151. Most Appropriate and Available Treatment Alternative; and
- §2.152. Special Considerations.

The identified repeals and any amendments, if applicable, to Chapter 2 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 2 as required by the Texas Government Code, §2001.039.



TRD-202401723

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: April 24, 2024