

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 359, Medicare Savings 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 359, Medicare Savings Program, 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 359" 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The text of the chapter being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code on the Secretary of State's website at (www.sos.texas.gov).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-202401772

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 26, 2024



Texas Diabetes Council

Title 25, Part 9

The Texas Diabetes Council proposes to review and consider for re-adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 9, of the Texas Administrative Code:

Chapter 651, Conduct of Council Meetings

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 651, Conduct of Council Meetings, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to diabetes@dshtexas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 651" 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 9, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202401771

Jessica Miller

Director, Rules Coordination Office

Texas Diabetes Council

Filed: April 26, 2024



Texas Board of Pardons and Paroles

Title 37, Part 5

The Texas Board of Pardons and Paroles proposes to review and consider for re-adoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 37, Part 5, of the Texas Administrative Code:

Chapter 148 Sex Offender Conditions of Parole or Mandatory Supervision, and Chapter 150 Memorandum of Understanding and Board Policy Statements

This review is conducted in accordance with 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 148, Sex Offender Conditions of Parole or Mandatory Supervision, and Chapter 150 Memorandum of Understanding and Board Policy Statement, may be submitted to Bettie L. Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by email to Bettie.Wells@tdcj.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review" in the subject title. The deadline for comments is on or before 5:00 p.m. central standard 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 37, Part 5, of the Texas Administrative Code, or at the Texas Board of Pardons and Paroles website, www.tdcj.texas.gov/bpp/rules/rules.html.

TRD-202401765

Bettie Wells

General Counsel

Texas Board of Pardons and Paroles

Filed: April 25, 2024



Adopted Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code:

Chapter 353, Medicaid Managed Care

Notice of the review of this chapter was published in the January 12, 2024, issue of the *Texas Register* (49 TexReg 149). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 353 in accordance with the 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 353, except for:

§353.1303, Quality Incentive Payment Program for Nursing Facilities before September 1, 2019.

The identified repeal and any amendment, if applicable, to Chapter 353 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 353 as required by the Texas Government Code §2001.039.

TRD-202401747

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 25, 2024



The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 372, Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Programs

Notice of the review of this chapter was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1105). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 372 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 all rules in the chapter continue to exist and readopts Chapter 372. Any amend-

ments, if applicable, to Chapter 372 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 372 as required by the Texas Government Code §2001.039.

TRD-202401904

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: April 30, 2024



Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters, pursuant to Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 100, Subchapters A and B, in the March 1, 2024 issue of the *Texas Register* (49 TexReg 1287).

Relating to the review of 19 TAC Chapter 100, Subchapters A and B, the SBOE finds that the reasons for adopting these subchapters continue to exist and readopts the rules. The SBOE received no comments related to the review.

This concludes the review of 19 TAC Chapter 100.

TRD-202401820

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: April 26, 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 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 2, Emergency Preparedness

Notice of the review of this chapter was published in the February 16, 2024, issue of the *Texas Register* (49 TexReg 881). HHSC received no comments concerning this chapter.

HHSC and DSHS have 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 agencies determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 2. Any appropriate amendments to Chapter 2 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 2 as required by the Texas Government Code §2001.039.

TRD-202401920

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: May 1, 2024



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 213, Area Agencies on Aging

Notice of the review of this chapter was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1740). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 213 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 all rules in the chapter continue to exist and readopts Chapter 213. Any amendments, if applicable, to Chapter 213 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 213 as required by the Texas Government Code §2001.039.

TRD-202401919

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: May 1, 2024



The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1 of the Texas Administrative Code (TAC):

Chapter 364, Primary Health Care Services Program

Notice of the review of this chapter was published in the March 1, 2024, issue of the *Texas Register* (49 TexReg 1289). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 364 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 all rules in the chapter continue to exist and readopts Chapter 364 except for:

- §364.51, Purpose and Authority;
- §364.53, Definitions;
- §364.55, Provider Registration; and
- §364.57, Duties of the Department.

The identified repeals and any amendments, if applicable, to Chapter 364 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 364 as required by the Texas Government Code, §2001.039.

TRD-202401819

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: April 26, 2024



Texas Board of Pardons and Paroles

Title 37, Part 5

The Texas Board of Pardons and Paroles (Board) files this notice of readoption of 37 TAC, Part 5, Chapter 146, Revocation of Parole or Mandatory Supervision. The review was conducted pursuant to Government Code, §2001.039. Notice of the Board's intention to review was published in the October 21, 2022, issue of the *Texas Register* (47 TexReg 7071).

As a result of the review, the Board has determined that the original justifications for these rules continue to exist. The Board readopts §§146.4, 146.5, 146.7, 146.9, and 146.10 with amendments as published in the Adopted Rules section of this issue of the *Texas Register*. The Board readopts §146.6 and §146.8 with amendments as published in the Adopted Rules section of the October 19, 2023, issue of the *Texas Register*. The Board readopts the remainder of the sections in Chapter 146 without amendments.

No comments on the proposed review were received.

This concludes the review of 37 TAC Chapter 146, Revocation of Parole or Mandatory Supervision.

TRD-202401764

Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
Filed: April 25, 2024



Texas Forensic Science Commission

Title 37, Part 15

Title 37, Part 15, Chapter 651, Subchapters A, B, C, and D.

The Texas Forensic Science Commission (Commission) has completed its review of 37 Texas Administrative Code Chapter 651, DNA, CODIS, Forensic Analysis, and Crime Laboratories, Subchapters A, B, C, and D, as required by Texas Government Code §2001.039, which requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years.

The Commission published the notice of proposed rule review in the February 16, 2024, issue of the *Texas Register* (46 TexReg 882). The Commission received no comments regarding the proposed rule review.

After completing the review of 37 Texas Administrative Code Chapter 651, Subchapters A, B, C, and D, the Commission determined that the reasons for initially adopting these rules continue to exist and readopts these rules, without changes, pursuant to the requirements of Texas Government Code §2001.039, with the exception of the following:

Rules adopted at the January 26, 2024 meeting: 37 Texas Administrative Code §§651.3, 651.8, 651.11, 651.101-.106, 651.202, 651.207, 651.208, 651.209, 651.216, 651.222, 651.305-.309.

This notice concludes the Commission's review of 37 Texas Administrative Code Chapter 651.

TRD-202401945
Leigh Tomlin
Associate General Counsel
Texas Forensic Science Commission
Filed: May 1, 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 1, State Authority Responsibilities

Notice of the review of this chapter was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1741). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 1 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 do not continue to exist and the repeal of Chapter 1 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 1 as required by the Texas Government Code §2001.039.

TRD-202401922
Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services
Filed: May 1, 2024



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 77, Employment Practices

Notice of the review of this chapter was published in the March 22, 2024, issue of the *Texas Register* (49 TexReg 1976). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 77 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 do not continue to exist and the repeal of Chapter 77 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 77 as required by the Texas Government Code §2001.039.

TRD-202401921
Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services
Filed: May 1, 2024



Texas Department of Transportation

Title 43, Part 1

The Texas Department of Transportation (department) files notice of the completion of review and the readoption of Title 43 TAC, Part 1, Chapter 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27 Toll Projects.

This review and readoption has been conducted in accordance with Government Code, §2001.039. The Texas Transportation Commission (commission) has reviewed these rules and determined that the reasons for adopting them continue to exist. The department received no comments on the proposed rule review, which was published in the February 2, 2024, issue of the *Texas Register* (49 TexReg 571).

This concludes the review of Chapters 1, 5, 11, 15, 21, and 27.

TRD-202401748
Angie Parker
Senior General Counsel
Texas Department of Transportation
Filed: April 25, 2024

