

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 of Dental Examiners

Title 22, Part 5

The Texas State Board of Dental Examiners (Board) files this Notice of Intent to Review to consider for re-adoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 22, Part 5, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

Chapter 107, Dental Board Procedures

Chapter 111, Standards for Prescribing Controlled Substances and Dangerous Drugs

During the review, the Board will assess whether the reasons for adopting or readopting the rules in these chapters continue to exist. The Board will review each rule to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current Board procedures. This review is required every four years.

Written comments regarding the review of these chapters may be submitted to Carol Pepper, Legal Assistant at 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701; by facsimile to (512) 649-2482; or by email to official_rules_comments@tsbde.texas.gov. The deadline for comments is 30 days after publication in the *Texas Register*.

Any proposed changes to the rules in these chapters as a result of the rule review will be published in the Proposed Rules section of the *Texas Register*. The proposed rules will be open for public comment before final adoption by the Board in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202402017

Lauren Studdard

General Counsel

State Board of Dental Examiners

Filed: May 6, 2024



Adopted Rule Reviews

Texas Department of Agriculture

Title 4, Part 1

Pursuant to the Texas Government Code, §2001.039, the Texas Department of Agriculture (Department) has completed its review of Texas

Administrative Code (TAC), Title 4, Part 1, Chapter 14, Perishable Commodities Handling and Marketing Program. The notice of intent to review was published in the July 2, 2021, issue of the *Texas Register* (46 TexReg 4027).

The Produce Recovery Fund Board (Board) is charged by statute to advise the Department on its rules related to payment of claims from the Produce Recovery Fund pursuant to Section 103.012 of the Texas Agriculture Code. Section 103.012 constitutes the Department's authority to adopt rules related to the Handling and Marketing of Perishable Commodities (HMPC) Program. At its November 15, 2023 meeting, the Board considered the Department's proposal to adopt the rule review with proposed rule amendments and approved the Department's proposal in open meeting by a unanimous vote.

The Department received no public comment in response to the notice of intent to review the rules within 4 TAC Chapter 14. In conjunction with this rule review, the Department also issued informal advance notice of the proposed rule review to license holders under the Department's HMPC Program. In response, the Department received 13 informal comments. While seven comments did not address the rule review in their response, four comments approved of the rules and recommended no changes, and one comment offered general criticism of the rules with no specific discussion of proposed changes. The final comment proposed changing the term, "warehouseman," in §14.2 to "warehouse person" or "warehouse worker."

The Department reviewed and considered these informal comments as part of its rule review process and determined the comments did not necessitate changes to the existing rules at this time. The term, "warehouseman," is defined in Chapter 101 of the Texas Agriculture Code, which governs the Department's HMPC Program. The Department will retain language in Chapter 14 in its current form for consistency with the corresponding statutory authority for the HMPC Program.

The Department finds that the reasons for initially adopting the rules in this chapter continue to exist and readopts this chapter with amendments. The proposed amendments can be found in the Proposed Rules section of this *Texas Register* issue.

TRD-202402023

Susan Maldonado

General Counsel

Texas Department of Agriculture

Filed: May 6, 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), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 205, Product Safety

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 and DSHS have reviewed Chapter 205 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 rules in the chapter continue to exist and readopts Chapter 205 except for:

Subchapter A Bedding Rules

- §205.1, Purpose and Scope;
- §205.2, Definitions;
- §205.3, General Requirements;
- §205.4, Labeling Requirements;
- §205.5, Definitions and Designations of Filling Materials;
- §205.6, Adjunctive Terms;
- §205.7, Suggested Terminology for Various Fiber By-Products;
- §205.8, Germicidal Treatment Requirements; Methods;
- §205.9, Sanitary Premises;
- §205.10, Adjustments to the Minimum Requirements;
- §205.11, Permit Requirements; Types; Application; Conditions; Suspension;
- §205.12, Administrative Penalty;
- §205.13, Detained or Embargoed Bedding;
- §205.14, Removal Order for Detained or Embargoed Bedding;
- §205.15, Condemnation;
- §205.16, Recall Orders; and
- §205.17, Inspection.

The identified repeals were proposed for repeal in the May 3, 2024, issue of the *Texas Register*. Any amendments, if applicable, to Chapter 205 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 205 as required by the Texas Government Code §2001.039.

TRD-202401949
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: May 2, 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 904, Continuity of Services--State Facilities

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 904 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 904. Any amendments, if applicable, to Chapter 904 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 904 as required by the Texas Government Code §2001.039.

TRD-202401982
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: May 3, 2024



Texas Board of Occupational Therapy Examiners

Title 40, Part 12

The Texas Board of Occupational Therapy Examiners readopts the rules in the following chapters of Title 40, Part 12 of the Texas Administrative Code in accordance with Texas Government Code §2001.039: Chapter 361, Statutory Authority; Chapter 362, Definitions; Chapter 363, Consumer/Licensee Information; Chapter 364, Requirements for Licensure; Chapter 367, Continuing Education; Chapter 368, Open Records; Chapter 369, Display of Licenses; Chapter 370, License Renewal; Chapter 371, Inactive and Retired Status; Chapter 372, Provision of Services; Chapter 373, Supervision; Chapter 374, Disciplinary Actions/Detrimental Practice/Complaint Process/Code of Ethics/Licensure of Persons with Criminal Convictions; and Chapter 375, Fees. The notice of intent to review these rules was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1106).

No comments were received on the proposed rule review.

The Board has assessed whether the reasons for adopting the rules continue to exist. As a result of the review, the Board finds the reasons for adopting the rules continue to exist and readopts the rules in accordance with the requirements of Texas Government Code §2001.039.

TRD-202402025
Ralph A. Harper
Executive Director
Texas Board of Occupational Therapy Examiners
Filed: May 6, 2024

