

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 State Office of Administrative Hearings

Title 1, Part 7

In accordance with Government Code §2001.039, the Texas State Office of Administrative Hearings (SOAH) files this notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapters listed below contained in Title 1, Part 7, of the Texas Administrative Code:

Chapter 155. Rules of Procedure

Chapter 156. Arbitration Procedures for Certain Enforcement Actions of the Department of Aging and Disability Services Regarding Assisted Living Facilities

Chapter 157. Temporary Administrative Law Judges

Chapter 159. Rules of Procedure for Administrative License Suspension Hearings

Chapter 160. General Administration

Chapter 161. Requests for Records

Chapter 163. Arbitration Procedures for Certain Enforcement Actions of the Texas Department of Aging and Disability Services Regarding Convalescent and Nursing Homes

Chapter 165. Rules of Procedure for Appraisal Review Board Appeals

In conducting its review, SOAH will assess whether the reasons for originally adopting these chapters continue to exist. Each section of these chapters will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations and current procedures and practices of SOAH, and whether it is in compliance with Chapter 2001 of the Government Code (Administrative Procedure Act).

Written comments on the review of these chapters may be submitted to State Office of Administrative Hearings, ATTN: Office of General Counsel, P.O. Box 13025, Austin, Texas 78711-3025 or by email to: rulemaking@soah.texas.gov with the subject line "SOAH Rule Review Comments." The deadline for receipt of comments is 5:00 p.m. on June 24, 2024. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional public comment period prior to final adoption or repeal by SOAH.

The text of the rule sections being reviewed will not be published, but may be found in Title 1, Part 7, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402098

Shane Linkous

General Counsel

Texas State Office of Administrative Hearings

Filed: May 10, 2024



Texas Alcoholic Beverage Commission

Title 16, Part 3

Pursuant to Texas Government Code §2001.039, the Texas Alcoholic Beverage Commission (TABC) will review its rules in Texas Administrative Code Title 16, Chapter 33, Subchapters C through G (16 TAC §§33.40 - 33.105), relating to Bonds, Application Review and Protests, Temporary Events, License and Permit Action, and Emergency Orders. TABC will consider whether the reasons for initially adopting these rules continue to exist and determine whether these rules should be repealed, readopted, or readopted with amendments.

TABC will consider any written comments on the rule review that are received by TABC no later than 5:00 p.m., central time, on July 1, 2024. Send your comments to rules@tabc.texas.gov or to the Office of General Counsel, Texas Alcoholic Beverage Commission, P.O. Box 13127, Austin, Texas 78711-3127.

TRD-202402166

Matthew Cherry

Senior Counsel

Texas Alcoholic Beverage Commission

Filed: May 14, 2024



Texas Department of Licensing and Regulation

Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) 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 16, Part 4, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

Chapter 97, Motor Fuel Metering and Quality

Chapter 98, Motorcycle Operator Training and Safety

Chapter 99, Off-Highway Vehicle Operator Education and Certification Program

Chapter 120, Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners

During the review, the Department will assess whether the reasons for adopting or readopting the rules in these chapters continue to exist. The Department 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 Department procedures. This review is required every four years.

Written comments regarding the review of these chapters may be submitted electronically on the Department's website at <https://ga.tdlr.texas.gov:1443/form/gcerules> (select the appropriate chapter name for your comment); by facsimile to (512) 475-3032; or by mail to Shamica Mason, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication of this notice in the *Texas Register*.

No changes to the rules in these chapters are being proposed at this time. If the Department determines that changes to the rules are necessary as a result of this rule review, the proposed changes will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment before final adoption by the Texas Commission of Licensing and Regulation, the Department's governing body, in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202402154

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Filed: May 13, 2024



Texas Medical Board

Title 22, Part 9

The Texas Medical Board (Board) proposes to review and consider for readoption, revision, or repeal the following chapters listed below, in its entirety, contained in Title 22, Part 9, of the Texas Administrative Code:

Chapter 160, Medical Physicists

Chapter 161, General Provisions

Chapter 162, Supervision of Medical School Students

Chapter 163, Licensure

Chapter 164, Physician Advertising

Chapter 165, Medical Records

Chapter 166, Physician Registration

Chapter 167, Reinstatement and Reissuance

Chapter 168, Criminal History Evaluation Letters

Chapter 169, Authority of Physicians To Supply Drugs

Chapter 170, Prescription of Controlled Substances

Chapter 171, Postgraduate Training Permits

Chapter 172, Temporary and Limited Licenses

Chapter 173, Physician Profiles

Chapter 174, Telemedicine

Chapter 175, Fees and Penalties

Chapter 176, Health Care Liability Lawsuits and Settlements

Chapter 177, Business Organizations and Agreements

Chapter 178, Complaints

Chapter 179, Investigations

Chapter 180, Texas Physician Health Program

Chapter 181, Contact Lens Prescriptions

Chapter 182, Use of Experts

Chapter 183, Acupuncture

Chapter 184, Surgical Assistants

Chapter 185, Physician Assistants

Chapter 186, Respiratory Care Practitioners

Chapter 187, Procedural Rules

Chapter 188, Perfusionists

Chapter 189, Compliance Program

Chapter 190, Disciplinary Guidelines

Chapter 191, District Review Committees

Chapter 192, Office-Based Anesthesia Services

Chapter 193, Standing Delegation Orders

Chapter 194, Medical Radiologic Technology

Chapter 195, Pain Management Clinics

Chapter 196, Voluntary Relinquishment Or Surrender Of A Medical License

Chapter 197, Emergency Medical Service

Chapter 198, Standards For Use Of Investigational Agents

Chapter 199, Public Information

Chapter 200, Standards For Physicians Practicing Complementary and Alternative Medicine

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 these chapters may be submitted to Liz Quintero, Texas Medical Board, P.O. Box 2018, Austin, Texas 78768-2018, or by e-mail to rules.development@tmb.state.tx.us. When emailing comments, please indicate "Comments on Proposed Rule Review" 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 22, Part 9, of the Texas Administrative Code on the Secretary of State's website at (www.sos.texas.gov).

TRD-202402131

Scott Freshour

General Counsel

Texas Medical Board

Filed: May 13, 2024



Texas State Board of Pharmacy

Title 22, Part 15

The Texas State Board of Pharmacy files this notice of intent to review Chapter 291, Subchapter D (§§291.71 - 291.77), concerning Pharmacies (Institutional Pharmacy (Class C)), pursuant to Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., July 30, 2024.

TRD-202402121
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 13, 2024



The Texas State Board of Pharmacy files this notice of intent to review Chapter 303, (§§303.1 - 303.3), concerning Destruction of Drugs, pursuant to Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., July 30, 2024.

TRD-202402122
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 13, 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), 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 265, General Sanitation

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 265, General Sanitation, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to EHGRulesCoordinator@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 265" 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-202402179
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: May 15, 2024



Council on Cardiovascular Disease and Stroke

Title 25, Part 15

The Council on Cardiovascular Disease and Stroke proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 15, of the Texas Administrative Code:

Chapter 1051, Rules

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 1051, 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 cardio@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 1051" 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 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402196
Jessica Miller
Director, Rules Coordination Office
Council on Cardiovascular Disease and Stroke
Filed: May 15, 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 (TAC):

Chapter 271, Community Care for Aged and Disabled

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 271, Community Care for Aged and Disabled, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to CCSE_FPSA@hhsc.state.tx.us. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 271" 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 26, 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-202402066

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: May 9, 2024



Adopted Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

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

Chapter 373, Medicaid Estate Recovery Program

Notice of the review of this chapter was published in the March 1, 2024, issue of the *Texas Register* (49 TexReg 1287). HHSC received no comments concerning this chapter.

HHSC and OIG have reviewed Chapter 373 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 373. Any amendments, if applicable, to Chapter 373 identified by HHSC and OIG in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and OIG's review of 1 TAC Chapter 373 as required by the Texas Government Code §2001.039.

TRD-202402084

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: May 9, 2024



Texas Department of Housing and Community Affairs

Title 10, Part 1

The Texas Department of Housing and Community Affairs (the Department) files this notice of rule review for 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, Compliance Monitoring, §10.605, Elections Under IRC §42(g). The purpose of the action was to conduct a rule review in accordance with Tex. Gov't Code §2001.039, which requires a state agency to review its rules every four years.

The Department determined that there continues to be a need for this rule, which is to have a rule in effect that provides for how a multifamily property makes elections for the affordability of units within the Housing Tax Credit program. The Department has also determined that no changes to this rule as currently in effect are necessary. This rule was noted in the *Texas Register's* Review of Agency Rules section without publication of the text.

PUBLIC COMMENT. The action was made available for comment from February 23, 2024 through March 23, 2024. No comment was received.

The Texas Department of Housing and Community Affairs (the Department) files this notice of rule review for 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, Compliance Monitoring, §10.617, Affirmative Marketing Requirements. The purpose of the action was to conduct a rule review in accordance with Tex. Gov't Code §2001.039, which requires a state agency to review its rules every four years.

The Department determined that there continues to be a need for this rule, which is to have rules in effect that specify the applicability of affirmative marketing on Department monitored developments and provides a rule citation for where to seek more specific information. The Department has also determined that no changes to this rule as currently in effect were necessary. This rule was noted in the *Texas Register's* Review of Agency Rules section without publication of the text.

PUBLIC COMMENT. The action was made available for comment from February 23, 2024 through March 23, 2024. No comment was received.

TRD-202402085

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: May 10, 2024



Texas Alcoholic Beverage Commission

Title 16, Part 3

The Texas Alcoholic Beverage Commission (TABC) has completed its review of its rules in Texas Administrative Code Title 16, Chapter 33, Subchapters A and B (16 TAC §§33.1 - 33.29), relating to Applications, Fees and Payments. This review was done pursuant to Texas Government Code §2001.039, which directs state agencies to review and consider for readoption each of their rules. The proposed rule review was published in the April 5, 2024, issue of the *Texas Register* (49 TexReg 2203).

SUMMARY OF COMMENTS. TABC did not receive any comments on this rule review.

READOPTION OF RULES. After review, TABC finds that the reasons for adopting 16 TAC §§33.1 - 33.29 continue to exist. TABC readopts those rules. However, TABC also identified provisions in the reviewed rules that may warrant further amendment. TABC will formally propose any amendments consistent with the Texas Administrative Procedure Act, Texas Government Code Chapter 2001.

TRD-202402165

Matthew Cherry

Senior Counsel

Texas Alcoholic Beverage Commission

Filed: May 14, 2024



Texas State Board of Pharmacy

Title 22, Part 15

The Texas State Board of Pharmacy adopts the review of Chapter 281, (§§281.1 - 281.23, 281.30 - 281.35, 281.60 - 281.70), concerning Administrative Practices and Procedures, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1739).

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 281 continue to exist.

TRD-202402067
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 9, 2024



The Texas State Board of Pharmacy adopts the review of Chapter 291, Subchapter A (§§291.1 - 291.11, 291.14 - 291.19, 291.22 - 291.23, 291.27 - 291.29), concerning Pharmacies (All Classes of Pharmacies), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1739).

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 291 continue to exist.

TRD-202402068
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 9, 2024



The Texas State Board of Pharmacy adopts the review of Chapter 291, Subchapter E (§§291.91 - 291.94), concerning Clinic Pharmacy (Class D), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1739).

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 291 continue to exist.

TRD-202402083
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 9, 2024



The Texas State Board of Pharmacy adopts the review of Chapter 291, Subchapter F (§§291.101 - 291.106), concerning Non-Resident Pharmacy (Class E), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1739).

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 291 continue to exist.

TRD-202402070
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 9, 2024



The Texas State Board of Pharmacy adopts the review of Chapter 295, (§§295.1 - 295.9, 295.11 - 295.16), concerning Pharmacists, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1740).

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 295 continue to exist.

TRD-202402071
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 9, 2024



The Texas State Board of Pharmacy adopts the review of Chapter 311, (§§311.1 - 311.2), concerning Code of Conduct, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1740).

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 311 continue to exist.

TRD-202402072
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: May 9, 2024



Executive Council of Physical Therapy and Occupational Therapy Examiners

Title 22, Part 28

The Executive Council of Physical Therapy and Occupational Therapy Examiners (Executive Council) readopts the rules in Title 22 Texas Administrative Code Chapter 651, Fees, in accordance with Texas Government Code §2001.039. The notice of intent to review Chapter 651 was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1105).

No comments were received on the proposed rule review.

The Executive Council has assessed whether the reasons for adopting the rules in Chapter 651 continue to exist. As a result of the review, the Executive Council 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-202402090
Ralph A. Harper
Executive Director
Executive Council of Physical Therapy and Occupational Therapy Examiners
Filed: May 10, 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 31, Nutrition Services

Notice of the review of this chapter was published in the March 22, 2024, issue of the *Texas Register* (49 TexReg 1973). HHSC received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 31 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 31 except for:

Subchapter B, Farmers' Market Nutrition Program

§31.11 Definitions

§31.12 Program Administration

The identified repeals and any amendments, if applicable, to Chapter 31 identified by HHSC and DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 31 as required by the Texas Government Code §2001.039.

TRD-202402178

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: May 15, 2024



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 40, Stock Medication in Schools and Other Entities

Notice of the review of this chapter was published in the March 22, 2024, issue of the *Texas Register* (49 TexReg 1973). HHSC received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 40 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 40. Any amendments, if applicable, to Chapter 40 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 40 as required by the Texas Government Code §2001.039.

TRD-202402081

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: May 9, 2024



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 140, Health Professions Regulation

Notice of the review of this chapter was published in the March 22, 2024, issue of the *Texas Register* (49 TexReg 1974). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 140 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 140, except for:

Subchapter B, Personal Emergency Response System Providers Program

Subchapter F, Contact Lens Dispensers

Subchapter G, Opticians.

The identified repeals and any amendments, if applicable, to Chapter 140 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 140 as required by the Texas Government Code §2001.039.

TRD-202402177

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: May 15, 2024



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 217, Milk and Dairy

Notice of the review of this chapter was published in the March 22, 2024, issue of the *Texas Register* (49 TexReg 1974). HHSC received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 217 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 217. Any amendments, if applicable, to Chapter 217 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 217 as required by the Texas Government Code §2001.039.

TRD-202402082

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: May 9, 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 555, Nursing Facility Administrators

Notice of the review of this chapter was published in the March 29, 2024, issue of the *Texas Register* (49 TexReg 2097). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 555 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 555. Any amendments, if applicable, to Chapter 555 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 555 as required by the Texas Government Code §2001.039.

TRD-202402175

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: May 15, 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 556, Nurse Aides

Notice of the review of this chapter was published in the March 29, 2024, issue of the *Texas Register* (49 TexReg 2097). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 556 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 556. Any amendments, if applicable, to Chapter 556 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 556 as required by the Texas Government Code §2001.039.

TRD-202402180

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: May 15, 2024



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 5, Advisory Committees and Groups, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for re-adoption, re-adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice

of Intent to Review these rules in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6921) and as corrected in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7640).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 5 are required because Chapter 5 provides the authority and procedures for the commission, executive director, and staff for creating advisory committees and groups for the purpose of receiving advice on specific matters. The chapter establishes requirements, procedures, and policies relating to the creation, duties, operation, and duration of advisory committees and groups.

The chapter is divided into three subchapters. Subchapter A establishes a common purpose and definitions for the other two subchapters. The subchapter includes a definition for "balanced representation" which, by statute, the commission, executive director, and staff are required to make reasonable attempts to achieve in the creation of advisory committees and groups. Subchapter B addresses advisory committees, which for the purposes of this subchapter are those committees created by the commission or by state law for the purpose of providing advice to the commission. Subchapter C authorizes the executive director to create and consult with advisory groups.

The rules are needed to implement requirements of the Texas Water Code (TWC), §5.107, relating to Advisory Committees, Work Groups, and Task Forces, and particularly the additional authority and requirements added to TWC, §5.107 by House Bill (HB) 2912, §1.10, 77th Legislature, 2001. TWC, §5.107 authorizes TCEQ or the executive director to create and consult with advisory committees, work groups, or task forces, including committees, work groups or task forces for the environment, for public information, or for any other matter that the commission or the executive director may consider appropriate.

Public Comment

The public comment period closed on January 3, 2024. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 5 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202402101

Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: May 13, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 299, Dams and Reservoirs, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for re-adoption, re-adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the October 6, 2023, issue of the *Texas Register* (48 TexReg 5829).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 299 are required because Chapter 299 relates to dam design; construction plans and specifications; construction; operation and maintenance; inspections; removal; emergency management and emergency action plans; gate operating plans; and site security. The Dam Safety Program regulates 4,119 dams and inspects 1,848 dams on a five-year frequency. The rules are needed to provide protec-

tion to the public and downstream property and to provide guidance and direction to the dam owner.

Public Comment

The public comment period closed on November 6, 2023. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 299 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202402100

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

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Texas Water Development Board

Title 31, Part 10

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 355.

This review was conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

Notice of the review of the aforementioned chapters was published in the March 15, 2024 issue of the *Texas Register* (49 TexReg 1740). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule continued to exist and determined that the original reasons for adopting these rules continue to exist. TWDB readopts this chapter. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 355. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

TRD-202402076

Ashley Harden

General Counsel

Texas Water Development Board

Filed: May 9, 2024



The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 356.

This review is being conducted in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies

to review and consider for readoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the March 15, 2024, issue of the *Texas Register* (49 TexReg 1740). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of the Texas Government Code, §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in these subchapters continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 356. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

TRD-202402075

Ashley Harden

General Counsel

Texas Water Development Board

Filed: May 9, 2024



The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 365.

This review is being conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1106). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in this chapter continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 365. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

TRD-202402077

Ashley Harden

General Counsel

Texas Water Development Board

Filed: May 9, 2024

