

# 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.

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## 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 rules in Texas Administrative Code, Title 40, Part 1, Chapter 43, Service Responsibility Option are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 265, Service Responsibility Option.

The rules will be transferred in the Texas Administrative Code effective June 30, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 43

TRD-202402219

## Texas 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 rules in Texas Administrative Code, Title 40, Part 1, Chapter 43, Service Responsibility Option are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 265, Service Responsibility Option.

The rules will be transferred in the Texas Administrative Code effective June 30, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 43

TRD-202402221

Figure: 40 TAC Chapter 43

|   |   |
|---|---|
| <b>Current Rules</b>  | <b>Move to</b>  |
| <b>Title 40. Social Services and Assistance</b>   | <b>Title 26. Health and Human Services</b>  |
| <b>Part 1. Department of Aging and Disability Services</b>                              | <b>Part 1. Texas Health and Human Services Commission</b>                               |
| <b>Chapter 43. Service Responsibility Option</b>  | <b>Chapter 265. Service Responsibility Option</b>                                       |
| <b>Subchapter A. Introduction</b>   | <b>Subchapter A. Introduction</b>   |
| §43.1. Introduction.  | §265.1. Introduction.   |
| §43.2. Application.   | §265.2. Application.  |
| §43.3. Overview of the SRO.   | §265.3. Overview of the SRO.  |
| §43.4. Definitions.   | §265.4. Definitions.  |
| <b>Subchapter B. Responsibilities of Individuals Choosing to Participate in The SRO</b> | <b>Subchapter B. Responsibilities of Individuals Choosing to Participate in The SRO</b> |
| §43.11. Enrollment in the SRO.  | §265.11. Enrollment in the SRO.   |
| §43.12. Service Planning in the SRO.  | §265.12. Service Planning in the SRO.   |
| §43.13. SRO Orientation.  | §265.13. SRO Orientation.   |
| §43.14. Service Back-up Plan.   | §265.14. Service Back-up Plan.  |
| §43.15. Management Agreement.   | §265.15. Management Agreement.  |
| §43.16. Service Provider Selection.   | §265.16. Service Provider Selection.  |
| §43.17. Service Provider Orientation Training.  | §265.17. Service Provider Orientation Training.   |
| §43.18. Individual Responsibilities in the SRO.   | §265.18. Individual Responsibilities in the SRO.  |
| §43.19. Supervision and Evaluation.   | §265.19. Supervision and Evaluation.  |
| <b>Subchapter C. Responsibilities of an SRO Provider</b>                                | <b>Subchapter C. Responsibilities of an SRO Provider</b>                                |
| §43.21. Contracting as an SRO Provider.   | §265.21. Contracting as an SRO Provider.  |
| §43.22. SRO Provider Responsibilities.  | §265.22. SRO Provider Responsibilities.   |
| <b>Subchapter D. Termination of The SRO</b>   | <b>Subchapter D. Termination of The SRO</b>   |
| §43.31. Voluntary Termination of Participation in the SRO.                              | §265.31. Voluntary Termination of Participation in the SRO.                             |
| §43.32. Involuntary Termination of Participation in the SRO.                            | §265.32. Involuntary Termination of Participation in the SRO.                           |
| §43.33. Immediate Jeopardy and Involuntary Termination of Participation in the SRO.     | §265.33. Immediate Jeopardy and Involuntary Termination of Participation in the SRO.    |
| <b>Subchapter E. Support Consultation</b>   | <b>Subchapter E. Support Consultation</b>   |
| §43.41. Support Consultation Services.  | §265.41. Support Consultation Services.   |
| §43.42. Support Advisor Responsibilities.   | §265.42. Support Advisor Responsibilities.  |
| <b>Subchapter F. Budget</b>   | <b>Subchapter F. Budget</b>   |
| §43.51. Service Provider Payment in the SRO.  | §265.51. Service Provider Payment in the SRO.   |
| <b>Subchapter G. Reporting Allegations</b>  | <b>Subchapter G. Reporting Allegations</b>  |
| §43.61. Reporting Allegations.  | §265.61. Reporting Allegations.   |
| <b>Subchapter H. Oversight</b>  | <b>Subchapter H. Oversight</b>  |
| §43.71. Oversight.  | §265.71. Oversight.   |

## 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 rules in Texas Administrative Code, Title 40, Part 1, Chapter 96, Certification of Long-Term Care Facilities are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 552, Certification of Long-Term Care Facilities.

The rules will be transferred in the Texas Administrative Code effective June 30, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 96

TRD-202402218

## Texas 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 rules in Texas Administrative Code, Title 40, Part 1, Chapter 96, Certification of Long-Term Care Facilities are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 552, Certification of Long-Term Care Facilities.

The rules will be transferred in the Texas Administrative Code effective June 30, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 96

TRD-202402220

Figure: 40 TAC Chapter 96

| <b>Current Rules</b>   | <b>Move to</b>  |
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| <b>Title 40. Social Services and Assistance</b>  | <b>Title 26. Health and Human Services</b>  |
| <b>Part 1. Department of Aging and Disability Services</b>   | <b>Part 1. Texas Health and Human Services Commission</b>   |
| <b>Chapter 96. Certification of Long-Term Care Facilities</b>  | <b>Chapter 552. Certification of Long-Term Care Facilities</b>  |
| §96.1. Purpose.  | §552.1. Purpose.  |
| §96.2. Scope.  | §552.3. Scope.  |
| §96.3. Definitions.  | §552.5. Definitions.  |
| §96.4. The Texas Department of Human Services' General Responsibilities under the Title XVIII Medicare Program and the Title XIX Medical Assistance Program. | §552.7. The Texas Department of Human Services' General Responsibilities under the Title XVIII Medicare Program and the Title XIX Medical Assistance Program. |
| §96.5. Survey Procedure and Practice.  | §552.9. Survey Procedure and Practice.  |
| §96.6. Informal Review Process for Intermediate Care Facilities for Persons with Mental Retardation and Related Conditions.                                  | §552.11. Informal Review Process for Intermediate Care Facilities for Persons with Mental Retardation and Related Conditions.                                 |
| §96.7. Appeals.  | §552.13. Appeals.   |
| §96.8. Construction of This Chapter.   | §552.15. Construction of This Chapter.  |

