

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.

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 48, Community Care for Aged and Disabled are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 278, Adult Foster Care (AFC) Program.

The rules will be transferred in the Texas Administrative Code effective June 28, 2024.

The following table outlines the rule transfer.

Figure: 40 TAC Chapter 48

TRD-202402379

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 48, Community Care for Aged and Disabled are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 278, Adult Foster Care (AFC) Program.

The rules will be transferred in the Texas Administrative Code effective June 28, 2024.

The following table outlines the rule transfer.

Figure: 40 TAC Chapter 48

TRD-202402380

Figure: 40 TAC Chapter 48

Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 48. Community Care for Aged and Disabled	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 278. Adult Foster Care (AFC) Program
Subchapter F. In-Home And Family Support Program	Subchapter A. In-Home And Family Support Program
§48.2701. Definitions.	§278.1. Definitions.
§48.2702. Eligibility Determination Process.	§278.3. Eligibility Determination Process.
§48.2703. Income Eligibility.	§278.5. Income Eligibility.
§48.2704. Functional Eligibility.	§278.7. Functional Eligibility.
§48.2705. Service Plan.	§278.9. Service Plan.
§48.2706. Allowable In-Home and Family Support Program (IH/FSP) Services.	§278.11. Allowable In-Home and Family Support Program (IH/FSP) Services.
§48.2707. Program Restrictions.	§278.13. Program Restrictions.
§48.2708. Service Subsidy and Capital Expenditure.	§278.15. Service Subsidy and Capital Expenditure.
§48.2709. Payments.	§278.17. Payments.
§48.2710. Right To Appeal.	§278.19. Right To Appeal.
§48.2711. Recertification.	§278.21. Recertification.
§48.2721. Definitions for the Transition to Life in the Community (TLC) Program.	§278.23. Definitions for the Transition to Life in the Community (TLC) Program.
§48.2722. Transition to Life in the Community (TLC) Client Eligibility Criteria.	§278.25. Transition to Life in the Community (TLC) Client Eligibility Criteria.
§48.2723. Application for Transition to Life in the Community (TLC) Benefits.	§278.27. Application for Transition to Life in the Community (TLC) Benefits.
§48.2724. Transition to Life in the Community (TLC) Program Benefits.	§278.29. Transition to Life in the Community (TLC) Program Benefits.
§48.2725. Transition to Life in the Community (TLC) Client Rights.	§278.31. Transition to Life in the Community (TLC) Client Rights.
Subchapter K. Minimum Standards for Adult Foster Care	Subchapter B. Minimum Standards for Adult Foster Care
§48.8901. Compliance with Rules.	§278.101. Compliance with Rules.
§48.8902. Provider Qualifications.	§278.103. Provider Qualifications.
§48.8903. Substitute Provider Qualifications.	§278.105. Substitute Provider Qualifications.
§48.8904. Individuals Who May Not Provide Adult Foster Care Services.	§278.107. Individuals Who May Not Provide Adult Foster Care Services.
§48.8905. Home Enrollment Requirements.	§278.109. Home Enrollment Requirements.
§48.8906. Enrollment and Licensure Requirements.	§278.111. Enrollment and Licensure Requirements.
§48.8907. Provider Responsibilities.	§278.113. Provider Responsibilities.

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 55, Contracting to Provide Home-Delivered Meals are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 281, Contracting to Provide Home-Delivered Meals.

The rules will be transferred in the Texas Administrative Code effective June 28, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 55

TRD-202402346

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 55, Contracting to Provide Home-Delivered Meals are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 281, Contracting to Provide Home-Delivered Meals.

The rules will be transferred in the Texas Administrative Code effective June 28, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 55

TRD-202402347

Figure: 40 TAC Chapter 55

Current Rules	Move to
Title 40. Social Services and Assistance	Title 26. Health and Human Services
Part 1. Department of Aging and Disability Services	Part 1. Texas Health and Human Services Commission
Chapter 55. Contracting to Provide Home-Delivered Meals	Chapter 281. Contracting to Provide Home-Delivered Meals
§55.1. Purpose.	§281.1. Purpose.
§55.3. Definitions.	§281.3. Definitions.
§55.5. Contracting Requirements for Provider Agencies.	§281.5. Contracting Requirements for Provider Agencies.
§55.7. Staff Requirements.	§281.7. Staff Requirements.
§55.9. Training Requirements.	§281.9. Training Requirements.
§55.11. Nutrition Education.	§281.11. Nutrition Education.
§55.13. Compliance with Laws and Regulations.	§281.13. Compliance with Laws and Regulations.
§55.15. Menus.	§281.15. Menus.
§55.17. Standard Recipes.	§281.17. Standard Recipes.
§55.19. Modified Diets.	§281.19. Modified Diets.
§55.21. Frozen, Chilled, or Shelf-Stable Meals.	§281.21. Frozen, Chilled, or Shelf-Stable Meals.
§55.23. Meal Packaging.	§281.23. Meal Packaging.
§55.25. Service Initiation.	§281.25. Service Initiation.
§55.27. Service Requirements.	§281.27. Service Requirements.
§55.29. Significant Changes.	§281.29. Significant Changes.
§55.31. Provider Agency Quality Control Measures	§281.31. Provider Agency Quality Control Measures.
§55.33. Suspension of Services.	§281.33. Suspension of Services.
§55.35. Service Plan Changes.	§281.35. Service Plan Changes.
§55.37. Termination of Services.	§281.37. Termination of Services.
§55.39. Recordkeeping.	§281.39. Recordkeeping.
§55.41. Billing and Claims Payment.	§281.41. Billing and Claims Payment.
§55.43. Complaints.	§281.43. Complaints.

