

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

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 102, Distribution of Tobacco Settlement Proceeds to Political Subdivisions

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 102, Distribution of Tobacco Settlement Proceeds to Political Subdivisions, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to DSHSTobacco@dshs.texas.gov.

When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 102" 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The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings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-202402440

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: May 31, 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 300, State Authority Responsibilities

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 300, State Authority Responsibilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to bhs_rules@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 300" 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-202402475

Jessica Miller

Director, Rules Coordination Officer

Texas Health and Human Services Commission

Filed: June 4, 2024



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 349, Purchase of Goods and Services for Rehabilitation, Independence, and Early Childhood Intervention

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 349, Purchase of Goods and Services for Rehabilitation, Independence, and Early Childhood Intervention, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHS_HI_policy@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 349" 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-202402442

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: May 31, 2024



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for reoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 351, Children with Special Health Care Needs Services 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 351, Children with Special Health Care Needs Services Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to CSHCN@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 351" 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-202402465

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 4, 2024



Texas Parks and Wildlife Department

Title 31, Part 2

The Texas Parks and Wildlife Department files this notice of intention to review the following chapters of 31 TAC, Part 2:

Chapter 51. Executive

Subchapter A. Procedures for the Adoption of Rules

Subchapter B. Authority to Contract

Subchapter C. Employee Fundraising and Sponsorships

Subchapter D. Education

Subchapter E. Leave Pools

Subchapter F. Vehicles

Subchapter G. Nonprofit Organizations

Subchapter H. General Plan for Prescribed Burning on TPWD Lands

Subchapter I. Historically Underutilized Businesses

Subchapter J. Contract Dispute Resolution

Subchapter K. Disclosure of Customer Information

Subchapter L. Vendor Dispute Resolution

Subchapter M. Investment of Lifetime License Endowment

Subchapter N. Employee Training

Subchapter O. Advisory Committees

Subchapter P. Official Corporate Partners

Subchapter Q. Promotional Drawings

Chapter 52. Stocking Policy

Chapter 55. Law Enforcement

Subchapter A. Proof of Residency Requirements

Subchapter B. Seizure, Care and Disposition of Contraband

Subchapter C. Deputy and Special Game Warden Commission

Subchapter D. Operation Game Thief Fund

Subchapter E. Show, Test, and Demonstration of Vessels

Subchapter F. Floating Cabins

Subchapter G. Boat Speed Limit and Buoy Standards

Subchapter H. Party Boats

Subchapter I. Disposition of Dangerous Wild Animals

Subchapter J. Controlled Exotic Snakes

Subchapter K. Interstate Wildlife Violator Compact

Subchapter L. Marine Safety Enforcement - Training and Certification Standards

Subchapter M. Mandatory Boating Incident Report

Chapter 60. Maintenance Reviews

Subchapter A. Maintenance Equipment Review

Subchapter B. Maintenance Provider Review

Chapter 61. Design and Construction

Subchapter A. Contracts for Public Works

Subchapter C. Boat Ramp Construction and Rehabilitation

Subchapter E. Local Parks and Recreation Grant Program

This review is pursuant to Government Code, §2001.039. The department will accept comments for 30 days following the publication of this notice in the *Texas Register* as to whether the reasons for adopting the sections under review continue to exist. Final consideration of this rules review by the Parks and Wildlife Commission is scheduled for the commission meeting to be held in Austin, Texas on November 7, 2024.

Any questions or written comments pertaining to this notice of intent to review should be directed to James Murphy, General Counsel, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744. Any proposed changes to 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 30-day public comment period prior to final adoption or repeal by the commission.

TRD-202402434

Laura Carr
Assistant General Counsel
Texas Parks and Wildlife Department
Filed: May 31, 2024

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Adopted Rule Reviews

Texas Optometry Board

Title 22, Part 14

The Texas Optometry Board (Board) has concluded the statutory review of 22 Texas Administrative Code, Part 14, Chapter 271 Examinations; Chapter 272, Administration; Chapter 273 General Rules; and Chapter 275, Continuing Education conducted in accordance with the requirements of Texas Government Code §2001.039. The Board's intent to review these chapters was published in the March 1, 2024, issue of the *Texas Register* (49 TexReg 1288-1289). No comments were received regarding the Board's notice of review.

The Board's review assessed and determined that the original reasons and justifications for adopting each rule in Chapters 271, 272, 273, and 275 continue to exist, reflect current legal and policy considerations, and the rules are within the agency's legal authority as certified by legal counsel. The Board readopts this chapter pursuant to the requirements of Texas Government Code.

Any revisions to these chapters identified by the Board during the rule review will be proposed in a future issue of the *Texas Register*.

This concludes the review of 22 TAC Chapters 271, 272, 273, and 275.

TRD-202402414
Janice McCoy
Executive Director
Texas Optometry Board
Filed: May 30, 2024

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Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 33, Early and Periodic Screening, Diagnosis, And Treatment

Notice of the review of this chapter was published in the April 5, 2024, issue of the *Texas Register* (49 TexReg 2203). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 33 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 Chapter 33 continue to exist and readopts Chapter 33. Any amendments to Chapter 33 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 33 as required by the Texas Government Code §2001.039.

TRD-202402464

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 3, 2024

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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 133, Hospital Licensing

Notice of the review of this chapter was published in the April 5, 2024, issue of the *Texas Register* (49 TexReg 2204). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 133 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 133. Any amendments, if applicable, to Chapter 133 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 133 as required by the Texas Government Code §2001.039.

TRD-202402439
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: May 31, 2024

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Texas Juvenile Justice Department

Title 37, Part 11

The Texas Juvenile Justice Department (TJJD) has completed its review of Title 37, Texas Administrative Code, Chapter 380, Subchapter B, Treatment, in accordance with §2001.039, Government Code. TJJD published its Notice of Intent to Review these rules in the February 2, 2024, issue of the *Texas Register* (49 TexReg 571). TJJD received no public comments on the proposed rule review.

As a result of the review, TJJD finds the original reasons for adopting the following rules continue to exist and readopts them without amendments: §380.8702, Rehabilitation Program Overview; §380.8703, Rehabilitation Program Stage Requirements and Assessment; §380.8707, Furloughs; §380.8715, Title IV-E Foster Care Youth; §380.8751, Specialized Treatment; §380.8769, Court-Ordered Mental Health Services; §380.8771, Emergency Mental Health Admission; §380.8781, Referral of Sentenced Offenders to Court for Mental Health Services; §380.8785, Sex Offender Registration; §380.8787, Sex Offender Risk Assessment; and §380.8791, Family Reintegration of Youth with Sexual Behavior Treatment Needs.

TJJD also finds the original reasons for adopting §380.8767, Crisis Stabilization Unit, continue to exist but with amendments needed. Proposed amendments for §380.8767 were published in the March 8, 2024, issue of the *Texas Register* (49 TexReg 1431).

In addition, TJJD finds the original reasons for adopting the following rules continue to exist but with amendments needed: §380.8701, Intake and Admission Process; §380.8705, Family Involvement; §380.8775, Program Services for Youth with Intellectual Disabilities;

and §380.8779, Discharge of Non-Sentenced Offenders with Mental Illness or Intellectual Disability. Amendments to these sections will be proposed in a future issue of the *Texas Register*.

Finally, TJJD finds the original reasons for adopting §380.8789, Use of Clinical Polygraph in the Sexual Behavior Treatment Program, no longer exist, and the section should be repealed. The repeal of this section is proposed elsewhere in this issue.

This concludes TJJD's review of Texas Administrative Code, Chapter 380, Subchapter B, Treatment.

TRD-202402470

Jana L. Jones

General Counsel

Texas Juvenile Justice Department

Filed: June 4, 2024

