

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 2, Local Authority Responsibilities, Subchapter C, Charges For Community Services are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 301, IDD-BH Contractor Administrative Functions, Subchapter J, Charges For Community Services; and Title 40, Part 1, Chapter 2, Local Authority Responsibilities Subchapter G, Role And Responsibilities Of A Local Authority are being transferred to Title 26, Part 1, Chapter 330, LIDDA Role and Responsibilities.

The rules will be transferred in the Texas Administrative Code effective July 15, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 2, Subchapters C and G
TRD-202402452

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 2, Local Authority Responsibilities, Subchapter C, Charges For Community Services are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 301, IDD-BH Contractor Administrative Functions, Subchapter J, Charges For Community Services; and Title 40, Part 1, Chapter 2, Local Authority Responsibilities Subchapter G, Role And Responsibilities Of A Local Authority are being transferred to Title 26, Part 1, Chapter 330, LIDDA Role and Responsibilities.

The rules will be transferred in the Texas Administrative Code effective July 15, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 2, Subchapters C and G
TRD-202402453

Figure: 40 TAC Chapter 2, Subchapters C and G

<p>Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 2. Local Authority Responsibilities</p>	<p>Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 301. IDD-BH Contractor Administrative Functions</p>
<p>Subchapter C. Charges For Community Services</p>	<p>Subchapter J. Charges For Community Services</p>
§2.101. Purpose.	§301.501. Purpose.
§2.102. Application.	§301.503. Application.
§2.103. Definitions.	§301.505. Definitions.
§2.105. Accountability.	§301.507. Accountability.
§2.106. Determination of Ability to Pay.	§301.509. Determination of Ability to Pay.
§2.107. Standard Charges.	§301.511. Standard Charges.
§2.108. Billing Procedures.	§301.513. Billing Procedures.
§2.109. Payments, Collections, and Non-payment.	§301.515. Payments, Collections, and Non-payment.
§2.110. Monthly Ability-to-Pay Fee Schedule.	§301.517. Monthly Ability-to-Pay Fee Schedule.
§2.111. Training.	§301.519. Training.
§2.112. Brochure for a Person (or Parent).	§301.521. Brochure for a Person (or Parent).
<p>Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 2. Local Authority Responsibilities Subchapter G. Role And Responsibilities Of A Local Authority</p>	<p>Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 330. LIDDA Role And Responsibilities</p>
§2.301. Purpose.	§330.1. Purpose.
§2.302. Application.	§330.3. Application.
§2.303. Definitions.	§330.5. Definitions.
§2.305. LIDDA's Role and Responsibilities.	§330.7. Role and Responsibilities.
§2.307. Access, Intake, and Enrollment Related Responsibilities.	§330.9. Access, Intake, and Enrollment Related Responsibilities.
§2.309. LIDDA Responsibilities for Institutional Residents.	§330.11. Responsibilities for Individuals in Certain Residential Settings.
§2.311. Provision and Oversight of General Revenue Services.	§330.13. Provision and Oversight of General Revenue Services.
§2.313. Health, Safety, and Rights.	§330.15. Health, Safety, and Rights.
§2.315. LIDDA Administrative Functions.	§330.17. Administrative Functions.

Department of Aging and Disability Services

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The rules will be transferred in the Texas Administrative Code effective July 1, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 4, Subchapter C

TRD-202402454

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 4, Rights and Protection of Individuals Receiving Intellectual Disability Services, Subchapter C, Rights of Individuals with an Intellectual Disability are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 334, Rights and Protection of Individuals with an Intellectual Disability.

The rules will be transferred in the Texas Administrative Code effective July 1, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 4, Subchapter C

TRD-202402455

Figure: 40 TAC Chapter 4, Subchapter C

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. Health and Human Services Commission
Chapter 4. Rights and Protection of Individuals Receiving Intellectual Disability Services	Chapter 334. Rights and Protection of Individuals with an Intellectual Disability
Subchapter C. Rights of Individuals with an Intellectual Disability	
§4.101. Purpose.	§334.101. Purpose.
§4.103. Application.	§334.103. Application.
§4.105. Definitions.	§334.105. Definitions.
§4.107. Rights of an Individual.	§334.107. Rights of an Individual.
§4.109. Rights of an Individual Receiving Services and Supports and an LAR.	§334.109. Rights of an Individual Receiving Services and Supports and an LAR.
§4.111. Penalties for a Violation of Rights of an Individual.	§334.111. Penalties for a Violation of Rights of an Individual.
§4.113. Rights Protection Officer at a State MR Facility or MRA.	§334.113. Rights Protection Officer at a State MR Facility or MRA.
§4.115. DADS Consumer Rights and Services.	§334.115. DADS Consumer Rights and Services.
§4.117. Rights Handbooks.	§334.117. Rights Handbooks.
§4.119. Communication of Rights to an Individual Receiving Services and Supports and to an LAR.	§334.119. Communication of Rights to an Individual Receiving Services and Supports and to an LAR.
§4.121. Staff Training in Rights.	§334.121. Staff Training in Rights.

Department of Aging and Disability Services

Rule Transfer

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The rules will be transferred in the Texas Administrative Code effective July 1, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 47

TRD-202402456

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 47, Contracting to Provide Primary Home Care are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 277, Contracting to Provide Primary Home Care.

The rules will be transferred in the Texas Administrative Code effective July 1, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 47

TRD-202402457

Figure: 40 TAC Chapter 47

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. Health and Human Services Commission
Chapter 47. Contracting to Provide Primary Home Care	Chapter 277. Contracting to Provide Primary Home Care
Subchapter A. Introduction	Subchapter A. Introduction
§47.1. Purpose.	§277.1. Purpose.
§47.3. Definitions.	§277.3. Definitions.
Subchapter B. Provider Contracts	Subchapter B. Provider Contracts
§47.11. Contracting Requirements.	§277.11. Contracting Requirements.
Subchapter C. Staff Requirements	Subchapter C. Staff Requirements
§47.21. Supervisor Training Requirements.	§277.21. Supervisor Training Requirements.
§47.23. Attendant Qualifications.	§277.23. Attendant Qualifications.
§47.25. Attendant Orientation.	§277.25. Attendant Orientation.
Subchapter D. Service Plan Development	Subchapter D. Service Delivery Plan Development
§47.41. Allowable Tasks.	§277.41. Allowable Tasks.
§47.43. Referrals and Authorizations.	§277.43. Referrals and Authorizations.
§47.45. Pre-Initiation Activities.	§277.45. Pre-Initiation Activities.
§47.47. Determination of Medical Need.	§277.47. Determination of Medical Need.
§47.49. Interdisciplinary Team.	§277.49. Interdisciplinary Team.
Subchapter E. Service Requirements	Subchapter E. Service Requirements
§47.57. Service Delivery Options.	§277.57. Service Delivery Options.
§47.61. Service Initiation.	§277.61. Service Initiation.
§47.63. Service Delivery.	§277.63. Service Delivery.
§47.65. Supervisory Visits.	§277.65. Supervisory Visits.
§47.67. Service Delivery Plan Changes.	§277.67. Service Delivery Plan Changes.
§47.69. Transfers.	§277.69. Transfers.
§47.71. Suspensions.	§277.71. Suspensions.
§47.73. Annual Reauthorization for the CAS Program.	§277.73. Annual Reauthorization for the CAS Program.
§47.74. Prohibition of Restraint and Seclusion.	§277.74. Prohibition of Restraint and Seclusion.
Subchapter F. Claims Payment and Documentation	Subchapter F. Claims Payment and Documentation
§47.81. Monitoring Medicaid Eligibility.	§277.81. Monitoring Medicaid Eligibility.
§47.83. Monitoring Reviews.	§277.83. Monitoring Reviews.
§47.85. Retroactive Payment Procedures.	§277.85. Retroactive Payment Procedures.
§47.89. Reimbursement.	§277.89. Reimbursement.
Subchapter G. Utilization Review	Subchapter G. Utilization Review
§47.91. Utilization Review.	§277.91. Utilization Review.
Subchapter H. Allegations Of Abuse, Neglect, And Exploitation	Subchapter H. Allegations Of Abuse, Neglect, And Exploitation

§47.101. Requirements for Providers Related to the Abuse, Neglect, or Exploitation of an Individual.	§277.101. Requirements for Providers Related to the Abuse, Neglect, or Exploitation of an Individual.
§47.103. Requirements for Providers Related to the Abuse, Neglect, and Exploitation of an Individual Receiving Services in the PHC Program and CAS Program Through the Agency Option or the Service Responsibility Option.	§277.103. Requirements for Providers Related to the Abuse, Neglect, and Exploitation of an Individual Receiving Services in the PHC Program and CAS Program Through the Agency Option or the Service Responsibility Option.

