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IN THIS ISSUE

GOVERNOR

Appointments.....3607

PROPOSED RULES

TEXAS DEPARTMENT OF AGRICULTURE

[PERISHABLE COMMODITIES] HANDLING AND MARKETING OF PERISHABLE COMMODITIES [PROGRAM]

4 TAC §§14.1 - 14.43610

4 TAC §§14.10 - 14.143611

4 TAC §§14.20 - 14.263613

STATE BOARD OF DENTAL EXAMINERS

DENTAL LICENSURE

22 TAC §101.13615

22 TAC §101.23616

DENTAL HYGIENE LICENSURE

22 TAC §103.13617

22 TAC §103.23618

CONTINUING EDUCATION

22 TAC §104.13619

22 TAC §104.23621

EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS

22 TAC §114.63622

FACULTY AND STUDENTS IN ACCREDITED DENTAL SCHOOLS

22 TAC §117.23623

22 TAC §117.33624

WITHDRAWN RULES

TEXAS DEPARTMENT OF AGRICULTURE

PERISHABLE COMMODITIES HANDLING AND MARKETING PROGRAM

4 TAC §§14.1 - 14.43627

4 TAC §§14.10 - 14.143627

4 TAC §§14.20 - 14.263627

HEALTH AND HUMAN SERVICES COMMISSION

LICENSING

26 TAC §745.83013627

MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

26 TAC §749.24723627

26 TAC §749.4401, §749.44033628

26 TAC §§749.4421, 749.4423, 749.4425, 749.4427, 749.4429...3628

26 TAC §§749.4441, 749.4443, 749.4445, 749.4447, 749.4449,
749.4451.....3628

26 TAC §§749.4461, 749.4463, 749.4465.....3628

26 TAC §§749.4471, 749.4473, 749.4475, 749.4477, 749.4479,
749.4481, 749.4483, 749.4485, 749.4487, 749.4489, 749.4491,
749.4493.....3628

26 TAC §§749.4501, 749.4503, 749.4505, 749.4507, 749.4509,
749.4511, 749.4513, 749.4515, 749.4517, 749.4519, 749.4521,
749.4523.....3628

26 TAC §§749.4551, 749.4553, 749.4555, 749.4557, 749.4559,
749.4561, 749.4563, 749.4565, 749.4567, 749.4569, 749.4571,
749.4573, 749.4575, 749.4577, 749.4579, 749.4581.....3628

ADOPTED RULES

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

REIMBURSEMENT RATES

1 TAC §§355.502, 355.505, 355.5133631

1 TAC §355.723, §355.7253636

PUBLIC UTILITY COMMISSION OF TEXAS

SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

16 TAC §25.983636

RULE REVIEW

Proposed Rule Review

Credit Union Department.....3649

Adopted Rule Reviews

Texas State Library and Archives Commission.....3649

Health and Human Services Commission.....3650

IN ADDITION

Central Texas Regional Mobility Authority

Request for Proposal for Enterprise Resource Planning (ERP) Project
Management.....3651

Comptroller of Public Accounts

Local Sales Tax Rate Changes Effective July 1, 2025.....3651

Office of Consumer Credit Commissioner

Notice of Rate Ceilings.....3653

Texas Commission on Environmental Quality

Agreed Orders.....3653

Enforcement Orders.....3657

Enforcement Orders.....3658

Notice of an Amendment to a Certificate of Adjudication Application
No. 138283660

Notice of an Amendment to a Certificate of Adjudication Application No. 140183661

Notice of an Amendment to a Certificate of Adjudication Application No. 140213661

Notice of District Petition - D-05192025-0603662

Notice of District Petition - D-05212025-0743663

Notice of District Petition - D-05232025-0793663

Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions3664

Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions3664

Notice of Public Meeting Air Quality Standard Permit Registration Renewal (Rescheduled from May 1, 2025) Air Quality Registration No. 1216433665

Notice of Public Meeting Cancellation - 1751983666

Texas Facilities Commission

Request for Proposals #303-6-20802.....3666

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program3666

Official Notice to Vessel Owner/Operator3667

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Attendant Services in Community First Choice (CFC), Home and Community-Based Services Adult Mental Health Program (HCBS-AMH), Home and Community-Based Services (HCS), Texas Home Living Waiver (TxHmL), and Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID) Programs, Effective September 1, 20253668

Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Nursing Facilities (NFs) and Nursing Facility Special Reimbursement Class for Individuals with Intellectual and Developmental Disabilities (IIDs), Effective September 1, 20253668

Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Nursing Facilities (NFs) and Nursing Facility Special Reimburse-

ment Class for Individuals with Intellectual and Developmental Disabilities (IIDs), Effective September 1, 20253669

Public Notice: Community Living Assistance and Support Services (CLASS) Waiver Program3670

Public Notice: Community Living Assistance and Support Services (CLASS) Waiver Program Amendment3671

Public Notice: Deaf Blind with Multiple Disabilities (DBMD) Waiver Amendment.....3671

Public Notice: Deaf Blind with Multiple Disabilities (DBMD) Waiver Program Amendment.....3672

Public Notice: Home and Community-Based Services (HCS) Waiver3674

Public Notice: Home and Community-Based Services (HCS) Waiver Program Amendment.....3674

Public Notice: Medically Dependent Children Program (MDCP) Waiver Program Amendment3675

Public Notice: Texas Home Living (TxHmL) Waiver Amendment3676

Public Notice: Texas Home Living (TxHmL) Waiver Program Amendment3677

Department of State Health Services

Licensing Actions for Radioactive Materials3679

Licensing Actions for Radioactive Materials3683

Texas Department of Insurance

Notice of Rate Filing.....3690

Texas Department of Licensing and Regulation

Hearing Instrument Fitters and Dispensers Penalties and Sanctions.....3691

Public Utility Commission of Texas

Notice of Application for Recovery of Universal Service Funding 3700

Notice of Application for Recovery of Universal Service Funding 3700

Notice of Application for Recovery of Universal Service Funding 3700

THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for June 5, 2025

Appointed to the Texas State Board of Examiners of Professional Counselors for a term to expire February 1, 2029, Nadia M. Stewart of Round Rock, Texas (replacing Sean Shahkarami of Haslet, who was not confirmed).

Appointments for June 10, 2025

Appointed to the One-Call Board of Texas for a term to expire August 31, 2026, Keith L. Wall of Spring, Texas (replacing Christopher S. "Chris" Nowak of Cypress, whose term expired).

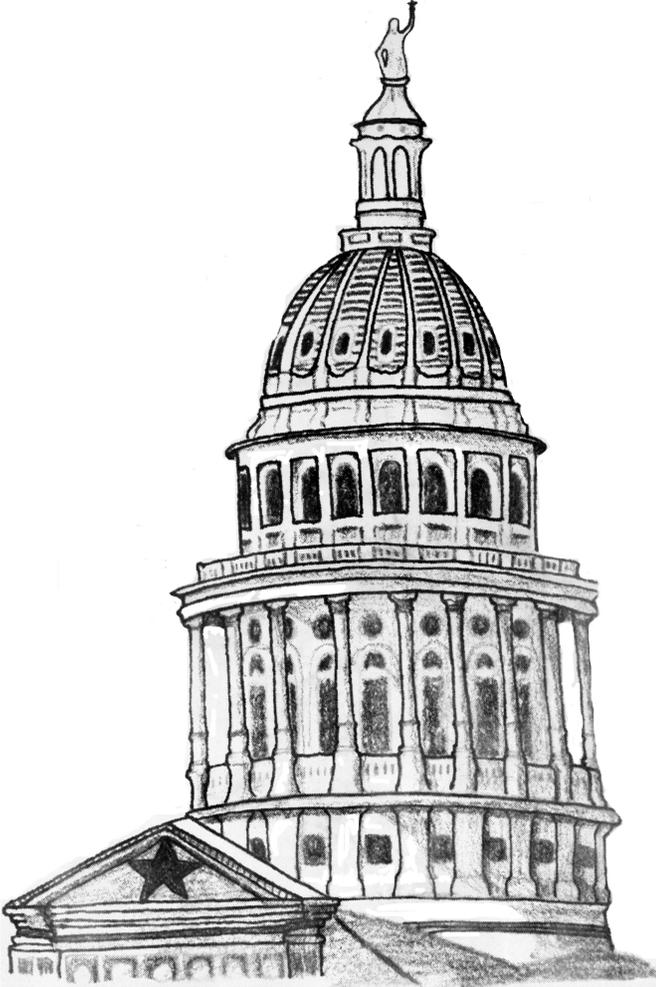
Designating Ryan T. Bridges of Katy as presiding officer of the Texas State Board of Examiners of Psychologists for a term to expire at the pleasure of the Governor. Mr. Bridges is replacing John K. Bielamowicz of Waxahachie as presiding officer.

Appointed to the Texas State Board of Examiners of Psychologists for a term to expire October 31, 2027, Brian E. Rentsch of Grapevine, Texas (replacing John K. Bielamowicz of Waxahachie, who resigned).

Greg Abbott, Governor

TRD-202501957





PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. [~~Square brackets and strikethrough~~] indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 14. [~~PERISHABLE COMMODITIES~~] HANDLING AND MARKETING OF PERISHABLE COMMODITIES [~~PROGRAM~~]

The Texas Department of Agriculture (Department) proposes amendments to Texas Administrative Code, Title 4, Chapter 14 (Perishable Commodities Handling and Marketing Program), Subchapter A (General Provisions), §14.1 (Definitions), §14.2 (Citrus Proof of Ownership), §14.3 (Fees), and §14.4 (Cancellation of License); Subchapter B (Produce Recovery Fund Claims), §14.10 (Claims Against the Fund), §14.11 (Determination on Claims by the Department), §14.12 (Filing of Notice of Protest; Appeal to the Board), §14.13 (Payment of Claims from the Fund), and §14.14 (Reimbursement to the Fund); and Subchapter C (Produce Recovery Fund Board), §14.20 (Purpose and Scope), §14.21 (Duties of the Board and the Department), §14.22 (Meetings), §14.23 (Conduct of Hearings of the Produce Recovery Fund Board), §14.24 (The Board's Final Determination), §14.25 (Motion for Rehearing), and §14.26 (Appeals).

The Department identified the need for the proposed amendments during its rule review conducted pursuant to Texas Government Code, §2001.039, the adoption of which can be found in the Review of Agency Rules section of this issue.

In accordance with Texas Agriculture Code (Code), §103.004 and §103.012, the Produce Recovery Fund Board (Board) is required to advise the Department in its rulemaking capacity under Chapter 103 of the Texas Agriculture Code (Code). Chapter 103 governs the Board and payments from the Produce Recovery Fund pursuant to claims against license holders and persons requiring to be licensed as handlers of perishable commodities under Chapter 101 of the Code.

The Department presented the proposed amendments to the Board at its open meeting on November 15, 2023. The Board discussed and approved the proposed amendments by a unanimous vote.

The proposed amendments replace the current title of this chapter with "Handling and Marketing of Perishable Commodities" for consistency with the name of the Department's related program and the title of Chapter 101 of the Code.

The proposed amendments to §14.1 include a definition for the "Administrative Procedure Act" to account for its frequency in this chapter, remove a definition for "agent" due to its infrequency in this chapter, update a reference in the definition for the "Open

Meetings Act," add language to the definition for "claim" to specify against whom claims can be filed, and add a citation to the Code to the definition of "perishable commodity" to denote the statutory source of its definition.

The proposed amendment to §14.2 replaces the term "licensee" with "license holder" to conform with the language in use in Code, Chapter 103.

The proposed amendments to §14.3 add language specifying those agents who require identification cards.

The proposed amendments to §14.4 specify a reference to the Department's general rules of procedure outlines in Chapter 1, Subchapter A of this title and change a reference to Chapter 2001 of the Texas Government Code to account for its proposed definition in §14.1.

The proposed amendments to §14.10 remove subsection (e) to become new subsection (d) §14.10 as its provisions fit more appropriately with those of §14.14, remove an outdated provision addressing claims prior to September 1, 2009, remove unnecessary language precluding the filing of out-of-state claims, and add a reference to §14.3 to specify claim-filing fees.

The proposed amendments to §14.11 change references to this chapter from "title" to "chapter," as the latter term is generally used throughout Title 4, update a reference to Chapter 1, Subchapter A of this title, change "recommendation" to "proposal for decision" as the former is used throughout this chapter and Chapter 1, Subchapter A of this title, make "Deputy Commissioner" lower-case as "Commissioner" is made lower-case throughout this chapter, and replace general references to "agency" with "department."

The proposed amendments to §14.12 change the term "person" to "party" as the former is used within the context of a hearing and in Chapter 103 of the Code, make "proposal for decision" lower-case to be the same as its occurrences in the Department's rules of procedure in Chapter 1, Subchapter A of this title and Chapter 2001 of the Texas Government Code (the Administrative Procedure Act), and replace general references to "agency" with "department."

The proposed amendments to §14.13 remove an outdated subsection outlining payments for claims prior to September 1, 2009; remove an obsolete subsection limiting total payments on claims against a single entity to \$85,000 as its statutory analogue, former Subsection 103.008(c) of the Code, was removed in 2009; and remove a reference to its restrictions on claim payments and replace it with the applicable statutory authority in Chapter 103 of the Code.

The proposed amendments to §14.14 add subsection (e) of §14.10 as new subsection (d) as its provisions fit more appropri-

ately with those of §14.14 and replace the term "working days" with "business days" as the former is the more prevalent term.

The proposed amendments to §14.20 update a reference to Chapter 1, Subchapter A of this title.

The proposed amendments to §14.22 remove unnecessary language addressing requirements of the Open Meetings Act and remove an incorrect provision on notice of Board meetings being published in the *Texas Register*.

The proposed amendments to §14.23 update Department contact information for prehearing motions and exhibit requests, specify that requests to the Department for hearing-related information must be written, and replace the term "working days" with "business days" as the former is the more prevalent term.

The proposed amendments to §14.25 require motions for rehearing to be sent to opposing parties and Board rulings on these motions to be made in accordance with Section 2001.146 of the Texas Government Code and update Department contact information.

The proposed amendments to §14.26 make a grammatical change to the reference to "board" to be consistent with usage in Code, Chapter 103 and clarify the legal authority cited.

In addition, "Board," "Fund," and "Chairman" are made lower-case throughout these rules to align with their occurrences in Chapter 103 of the Code. Likewise, "licensee" and "complaining party" are changed to "license holder" and "aggrieved party" throughout these rules because the latter terms are used in Chapter 103.

Also, editorial changes are made throughout these rules to correct grammar, remove superfluous or outdated language, and improve the rules' readability.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT: Mr. Philip Wright, the Administrator for Regulatory Affairs, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering them.

PUBLIC BENEFITS AND PROBABLE ECONOMIC COSTS: Mr. Wright has determined that for each year of the first five years the proposed amendments are in effect, the public benefit will be increased consumer protection due to updates to and improved readability of the chapter. Mr. Wright has also determined there are no anticipated economic costs to persons required to comply with the proposed amendments.

LOCAL EMPLOYMENT IMPACT STATEMENT: Mr. Wright has determined that the proposed amendments will not affect a local economy, so the Department is not required to prepare a local employment impact statement under Texas Government Code, §2001.022.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES: The Department has determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed amendments, therefore preparation of an economic impact statement and a regulatory flexibility analysis, as detailed under Texas Government Code, §2006.002 is not required.

GOVERNMENT GROWTH IMPACT STATEMENT: Pursuant to Texas Government Code, §2001.0221, the Department provides

the following Government Growth Impact Statement for the proposed amendments. For each year of the first five years the proposed amendments will be in effect:

they will not create or eliminate a government program;

their implementation will not require the creation or elimination of existing employee positions;

their implementation will not require an increase or decrease in future legislative appropriations to the Department;

there will be no increase or decrease in fees paid to the Department;

they will not create a new regulation;

they will not expand, limit, or repeal an existing regulation;

there will be no increase or decrease in the number of individuals subject to the rules; and

there will be no positive or adverse effect on the state's economy.

Comments on this proposal may be submitted by mail to John "Chris" Gee, Lead Assistant General Counsel, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, or by email to chris.gee@texasagriculture.gov. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS

4 TAC §§14.1 - 14.4

The amendments are proposed under the Department's authority in Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rule to administer its powers and duties under the Code; such powers and duties include Code, Section 101.006, the requirement that the Department to set fees for licensure to handle perishable commodities by rule; Code, Section 101.010, which requires the Department to set fees for identification cards for agents of license holders who either transport or buy perishable commodities; Code, Section 103.005, which also requires the Department to set fees for filing claims against the Produce Recovery Fund (Fund); Code, Section 103.009, which further requires the Department to issue orders canceling licenses and to deny issuing new licenses or renewing licenses for license holders or those required to be licensed to handle perishable commodities who, following payments from the Fund against them, neither pays nor agrees to pay either the Fund or the aggrieved party; Code, Section 103.011, which requires the Department to set an annual fee for those licensed under Code, Chapter 101; and Code, Section 103.012, which requires the Department, with the advice of the Board, to adopt rules related to payment of claims from the Fund.

The code affected by the proposed amendments is Texas Agriculture Code, Chapters 101 and 103.

§14.1. Definitions.

In addition to the definitions set out in Texas Agriculture Code (Code), Chapters 101[¹] and 103, and Chapter 1, Subchapter A of this title (relating to [the] General Rules of Practice), the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Administrative Procedure Act--The Texas Government Code, Chapter 2001 [~~Agent--An employee authorized to act for and on behalf of a licensee as a buying agent and/or a transporting agent~~].

(2) (No change.)

(3) Citrus fruit [Fruit]--Any fruit belonging to the genus Citrus, Poncirus, Microcitrus, Eremocitrus, or Fortunella, including, grapefruit, oranges, lemons, limes, and tangerines.

(4) Claim--A sworn complaint accompanied by the prescribed fee alleging a loss or damages occurred as a result of a violation of the terms or conditions of a contract involving the sale of perishable commodities grown in Texas by a license holder or person required to be licensed.

(5) License holder [Licensee]--A person who holds a license issued under the [Texas Agriculture] Code, Chapter 101.

(6) Open Meetings Act--The [Texas Open Meetings Act,] Texas Government Code, Chapter 551.

(7) Perishable commodity [Commodity]--As defined in the Code, §101.001, fresh [Fresh] produce grown in Texas and generally considered a perishable vegetable or fruit.

§14.2. *Citrus Proof of Ownership.*

A license holder [Licensee] or a packer, processor, warehouseman or transporter may not receive or handle citrus fruit without requiring the person from whom the citrus fruit is purchased or received to furnish proof of ownership on a form approved by the department; except for citrus fruit being transported from the farm or grove to market or the place of first processing by the producer of the citrus fruit operating the producer's vehicle or by an employee of the producer operating a vehicle owned by the producer.

§14.3. *Fees.*

(a) License and [registration/] identification card fees.

(1) (No change.)

(2) The fee for each identification card for transporting and buying agents is \$30.

(b) - (d) (No change.)

§14.4. *Cancellation of License.*

If an award and payment is made from the fund [Fund] and the license holder [Licensee], or person required to be licensed, fails to reimburse and/or fails to agree in writing to reimburse the fund [Fund] and/or the aggrieved [complaining] party [to the case in accordance with the provisions of this chapter, the department shall initiate proceedings], after 90 days, the department shall initiate proceedings [of failure to reimburse and/or failure to agree in writing to reimburse the Produce Recovery Fund,] to cancel the license holder's [Licensee's] license in accordance with the Texas Agriculture Code (Code), §103.009. Such proceedings shall be conducted in accordance with the [Texas Agriculture] Code, §12.032, the Administrative Procedure Act, [Texas Government Code, Chapter 2001,] and the department's General Rules of Practice and Procedure found at Chapter 1, Subchapter A of this title [relating to General Practice and Procedure] [rules of procedure].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 9, 2025.

TRD-202501945

Susan Maldonado

General Counsel

Texas Department of Agriculture

Earliest possible date of adoption: July 20, 2025

For further information, please call: (512) 463-6591

SUBCHAPTER B. PRODUCE RECOVERY FUND CLAIMS

4 TAC §§14.10 - 14.14

The amendments are proposed under the Department's authority in Code, Section 12.016, which authorizes the Department to adopt rule to administer its powers and duties under the Code. The amendments are proposed under Code, Section 103.009, which requires the Department to set schedules for reimbursements to the Fund and payments to aggrieved parties following Department payments from the Fund and Code, Section 103.012, which requires the Department, with the advice of the Board, to adopt rules related to payment of claims from the Fund.

The code affected by the proposed amendments is Texas Agriculture Code, Chapters 101 and 103.

§14.10. *Claims Against the Fund.*

(a) What claims can be filed. Only claims against a license holder [Licensee] or a person required to be licensed for loss or damages due to a violation of the terms or conditions of a contract for the sale of perishable commodities grown in Texas may be filed. [The following claims may not be accepted:]

[(1) Claims for perishable commodities grown out-of-state.]

(b) [(2)] Claims filed under the Perishable Agriculture Commodities Act [(PACA)] that are accepted as formal complaints and adjudicated by the United States Department of Agriculture, or claims for which an aggrieved party [a complainant] has filed suit in a court of competent jurisdiction shall not be accepted.

[(b) Who may file. A person who suffers a loss or damages due to the violation of the terms or conditions of a contract by a licensee or a person required to be licensed may file a claim against the Fund.]

(c) How to file. A claim shall be filed with the department on a prescribed complaint form and shall be accompanied by the [prescribed] fee required by §14.3 of this chapter (relating to Fees). The date of postmark, if mailed, or the date the complaint and fee are received by the department, if hand-delivered, shall be the date the claim is deemed filed.

(d) Statute of Limitations. A claim shall be barred if it is filed later than [one year from the date the violation of the terms or conditions of a contract occurred. This limitation applies to claims that are based on violations that occurred prior to September 1, 2009. Claims based on violations that occurred on or after September 1, 2009 shall be barred if it is filed later than] two years from the date the payment was due.

[(e) Respondent's Option to Pay. If a recommendation for payment from the Fund is made by a department hearing officer or a payment is awarded in a final department or Board determination, the respondent may pay the amount found to be due directly to complainant rather than have that payment made by the Fund. If direct payment is made, parties shall notify the department in writing.]

§14.11. *Determination on Claims by the Department.*

(a) Once a claim is filed in accordance with §14.10 of this chapter [title] (relating to Claims Against the Fund), the department shall investigate the claim and may conduct a hearing to determine the amount due the aggrieved party. All hearings shall be conducted by

a department hearing officer in accordance with the provisions of the Administrative Procedure Act and [the department's General Rules of Practice and Procedure found at] Chapter 1, Subchapter A of this title (relating to General Rules of Practice [and Procedure]).

(b) (No change.)

(c) Parties may protest the proposal for decision [recommendation] made by the department hearing officer by filing a Notice of Protest in accordance with §14.12 of this chapter [title] (relating to Filing of Notice of Protest; Appeal to the Board). If no protest is filed, the case will be forwarded to the deputy commissioner [Deputy Commissioner] for a final [agency] determination.

(d) Parties may also protest the department's [agency's] final determination by filing a Notice of Protest in accordance with §14.12 of this chapter [title (relating to Filing of Notice of Protest; Appeal to the Board)].

(e) (No change.)

§14.12. *Filing of Notice of Protest; Appeal to the Board.*

(a) A party [person] who disputes the recommendation of the department's hearing officer or the department's final determination on a claim shall file a Notice of Protest with the [department. The notice shall be sent to the attention of the] Hearings Clerk, General Counsel Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. A copy of the Notice of Protest shall be sent to the opposing party and/or a designated representative.

(b) A Notice of Protest shall be in writing, state the [reason or] reasons for the protest, and request a hearing before the board [Board].

(c) A Notice of Protest must be received by the department within 15 days from the date of the receipt of the hearing officer's proposal for decision [Proposal for Decision] on the claim, or if an appeal from the final department [agency] determination, within 20 days from the date the final department [agency] determination was mailed. A Notice of Protest [The department shall accept notices of protest] filed by fax shall be accepted if it [facsimile transmission, as long as the facsimile] is received no later than 5:00 [5] p.m. on the due date. [Oral notices of protest shall not be accepted.]

(d) If a Notice of Protest is received on a claim, the claim shall be referred to the board [Board] for hearing.

§14.13. *Payment of Claims from the Fund.*

[(a) The following payments of claims shall apply for a claim based on a violation occurring prior to September 1, 2009.]

[(1) Claims of \$2000 or less may be paid in full.]

[(2) Claims of more than \$2000 may be paid in the following manner:]

[(A) If the claim was filed on or after September 1, 1999, but prior to September 1, 2009, the first \$2000 plus no more than 70% of the amount in excess of \$2,000, may be paid.]

[(B) If the claim was filed prior to September 1, 1999, the first \$1,000 plus no more than 60% of the amount in excess of \$1000, may be paid.]

[(3) Claims arising from Same Contract. Total payment for claims arising from the same contract shall not exceed \$35,000.]

[(4) Claims Against a Single Licensee. Total payment for claims against a single licensee shall not exceed \$85,000 in any one calendar year. Claims shall be paid in the order that a final determination is made by the department or the Board. In cases when a claim cannot be paid in full due to the restrictions of this paragraph, the claimant

shall be given the option of accepting immediate payment of a lesser amount or accepting full payment from the Fund during the next calendar year.]

[(b) Payment [The following payments] of claims from the fund shall be subject to the following: [apply for a claim based on a violation occurring on or after September 1, 2009.]

(1) (No change.)

(2) [Claims Arising from Same Contract.] Total payment for claims arising from the same contract shall not exceed \$50,000.

[(3) Claims Against a Single Licensee or a person required to be licensed. Total payment for claims against a single licensee or a person required to be licensed shall not exceed \$85,000 in any one calendar year.]

(3) [(4)] Claims against a person who is not licensed. Payment for claims against a person who is not licensed at the time the claim was filed shall not exceed 80% of the total recovery [claim].

(4) [(5)] Claims shall be paid in accordance with the order that a final determination is made by the department or the board [Board]. In cases when a claim cannot be paid in full due to the restrictions of the Texas Agriculture Code, §103.008(c) [this subsection], the aggrieved party [claimant] shall be given the option of accepting immediate payment of a lesser amount or accepting full payment from the fund [Fund] during the next calendar year.

§14.14. *Reimbursement to the Fund.*

(a) If the department pays a claim [against a licensee, or a person required to be licensed,] from the fund [Fund]:

(1) Upon issuance of a final determination from the department or the board [Board], the license holder [licensee] shall reimburse the total amount paid by the fund [Fund] or agree in writing to reimburse the fund [Fund] the total amount paid by the fund [Fund]. If a person is not licensed on the date the transaction forming the basis of the claim occurred but is required to be licensed, the person shall pay the fund one and one-half times the amount of the claim paid by the fund [Fund], upon issuance of a final determination from the department or the board [Board]. Payment to the fund [Fund] is due in full within 30 days of the date of the final [agency] determination. If the license holder [licensee], or a person required to be licensed, cannot pay the full amount owed to the fund [Fund] at that time, the department may allow the license holder [licensee], or a person required to be licensed, to pay the fund pursuant to [amount owed to the Fund on an amortization schedule set out in] paragraph (3) of this subsection plus an annual interest rate of 8.0%.

(2) After fully reimbursing the fund [Fund] for payments made to the aggrieved party [claimant], the license holder [licensee], or a person required to be licensed, shall immediately pay or agree to pay the claimant any remaining amount due that party (balance not received from the fund [Fund]). If the license holder [licensee], or a person required to be licensed, cannot pay the full amount to the aggrieved party [claimant] at that time, the department may allow the license holder [licensee], or a person required to be licensed, to pay the amount owed to the aggrieved party pursuant to [claimant on an amortization schedule as set out in] paragraph (3) of this subsection plus an annual interest rate of 8.0%, after the fund [Fund] is fully reimbursed.

(3) Payment [Amortization] Schedule [for Reimbursement to the Produce Recovery Fund and Claimant]. Claims of:

(A) - (D) (No change.)

(b) Monthly installments to the fund [Fund] are due on the last business [working] day of the month and payable to TDA, P.O. Box

12847, Austin, Texas 78711. The department may make exceptions on payment schedules for good cause shown.

(c) If a license holder [licensee], or a person required to be licensed, owes money to the fund [Fund] at the time the license holder [licensee], or a person required to be licensed, makes a claim against the fund [Fund], the department shall offset the amount owed to the fund [Fund] from the amount determined to be payable from the fund [Fund].

(d) Respondent's Option to Pay. The respondent may pay the amount found to be directly to the aggrieved party rather than have the payment made by the fund. If direct payment is made, the parties shall notify the department in writing.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Susan Maldonado

General Counsel

Texas Department of Agriculture

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For further information, please call: (512) 463-6591



SUBCHAPTER C. PRODUCE RECOVERY FUND BOARD

4 TAC §§14.20 - 14.26

The amendments are proposed under the Department's authority in Code, Section 12.016, which authorizes the Department to adopt rule to administer its powers and duties under the Code. The amendments are proposed under Section 103.012 of the Texas Agriculture Code, which requires the Department, with the advice of the Board, to adopt rules related to payment of claims from the Fund.

The code affected by the proposed amendments is Texas Agriculture Code, Chapters 101 and 103.

§14.20. Purpose and Scope.

The purpose of this subchapter [these sections] is to provide [operating] procedures for the board [Produce Recovery Fund Board (the Board)], and to provide procedures for the conduct and determination of Board decisions], so that hearings and other proceedings before the Board may be conducted in a uniform and efficient manner. Unless otherwise provided, these rules are designed to supplement procedures established in Chapter 1, Subchapter A of this title (relating to General Rules of Practice [and Procedure]), and the Administrative Procedure Act and should be read together with those procedures.

§14.21. Duties of the Board and the Department.

(a) The board [Board] shall:

(1) advise the department on all matters relating to the fund [Fund], including the fund's [Fund's] budget and revenues necessary to accomplish the purposes of the fund [Fund];

(2) advise the department on the adoption of rules relating to the payment of claims from the fund [Fund] and to the administration of the fund [Fund]; and

(3) conduct hearings on claims on which a Notice of Protest has been filed with the department.

(b) The department shall:

(1) administer the fund [Fund], including the collection of fees from license holders [licensees], or persons [a person] required to be licensed, which are to be deposited into the fund [Fund] in accordance with the Texas Agriculture Code (Code), Chapter 103;

(2) receive and process claims;

(3) conduct hearings on claims, when [where] appropriate, and issue determinations [an agency determination] on claims;

(4) refer claims to the board when a Notice of Protest is filed [Board, where appropriate];

(5) [where an award from the Fund is made,] process payment of claims in accordance with the Code, Chapter 103, when an award from the fund is made;

(6) [where appropriate,] seek reimbursement of payments made from the fund when appropriate [Fund]; and

(7) provide administrative support to the board [Board], including posting notices of board [Board] meetings, making arrangements for board [Board] meetings, and preparing and mailing [of] notices of hearing and other correspondence to parties on cases heard by the board [Board].

§14.22. Meetings.

(a) Location, conduct and time of meetings. The board [Board] shall meet in Austin, or other places designated by the board [Board], on dates to be determined by the department with the advice of the board [Board], for the purpose of conducting hearings on matters appealed to the board [Board] and/or for the purpose of conducting business authorized by the Texas Agriculture Code, Chapter 103. Meetings will be conducted in accordance with the Open Meetings Act.

(b) Notice of meetings. Notice [A written notice] of the agenda, date, time and place of each [business] meeting [of the Board] and/or hearing of [conducted by] the board [Board], shall be provided [published in the Texas Register] in accordance with the Open Meetings Act. [In cases of emergency or urgent public necessity, notice shall be given as authorized by the Open Meetings Act.]

(c) Chairman to preside. The chairman of the board [Board] shall preside over all meetings of the board [Board] and shall perform all duties delegated to the chairman [him or her] under this subchapter [these rules]. In the chairman's absence, the vice-chairman shall preside over all meetings of the board [Board], and shall perform all duties of the chairman under this subchapter [these rules]. The vice-chairman shall be selected by a majority of board [Board] members present at the time of selection.

(d) Public comment period. As part of its [business] meetings, the board [Board] shall [include a public comment period to] allow members of the public to [appear and provide] comment on matters within the jurisdiction of the board [Board]. This item will be included in the agenda of [published in the Texas Register for] the [business] meeting.

§14.23. Conduct of Hearings of the Produce Recovery Fund Board.

(a) Representation. Parties to proceedings before the board [Board] shall have a right to appear and may be represented by counsel, or any other designated person, and shall have a right to have witnesses appear to testify on their behalf.

(b) Review of Department Record and Presentation By Parties.

(1) The board [In hearing cases in which a Notice of Protest has been filed, the Board] shall conduct hearings to review cases for

which a Notice of Protest has been filed and base its determination on the record of the hearing held before the department and any subsequent matters filed by parties to the case which are admitted into the record by the board [Board], including any exhibits accepted into the record at the hearing before the board [Board].

(2) The board [Board] may take additional testimony [of parties or other witnesses] and admit into the record any documentary evidence that it deems necessary to clarify the record of the hearing before the department and/or aid the board [Board] in making its determination on the case.

(3) At the board's [Board's] discretion, any party may present oral testimony or argument [to the Board] by filing a written request with the board [Board a written request to do so] at least five business [working] days prior to the hearing [day on which the Board is to consider the case]. The board [Board] may waive the five-day [five working day] requirement for good cause shown.

(c) Ruling on Objections, Motions; Filing of Motions.

(1) The board [Board] shall have the authority to rule on motions, on the admissibility of evidence, on objections, and on amendments to pleadings.

(2) A pre-hearing [Any] motion [relating to a pending proceeding] shall, unless made during a hearing, be written, set forth under oath the relief or order sought and the specific reasons and grounds therefor, and be directed to the board [Board]. Any motion, including a motion for continuance shall be filed with the Hearings Clerk, General Counsel Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, and distributed to all interested parties, under a certificate of service, not less than seven business [working] days prior to the hearing [designated] date [that the matter is set to be heard by the Board]. The board [Board] may waive the seven-day [seven day] requirement for good cause shown. A reply to such motion may be filed by any other party to the proceeding. A pre-hearing motion [Pre-hearing motions] shall be ruled on by the chairman [Chairman] at the earliest time practicable, and a final determination [determinations] on any such motion [motions] shall be signed by the chairman [Chairman] on behalf of the board [Board].

(3) When necessary, in the judgment of the chairman [Chairman] and/or the board [Board], or upon request of a party, a hearing may be set to consider any motion. A request for hearing on a motion, or a request for hearing on a final determination issued in response to a motion shall be filed with the board [Board] no later than three business [working] days after receipt of the final determination by the requesting party.

(d) Exhibits.

(1) All exhibits admitted into the record of the hearing before the department and the [tape] recording of the hearing shall be tendered for admission into the record of the hearing before the board [Board]. All such exhibits shall be available to the [for inspection by] parties prior to the beginning of the hearing, and [are available prior to the hearing date] to any interested person or party prior to the hearing date upon filing of a written request to the Hearings Clerk [Deputy General Counsel, General Counsel Division, Texas Department of Agriculture].

(2) A [Each] party shall deliver to the other party any additional documents intended to be offered at the hearing at least three business [working] days prior to the hearing date; any documents in addition to those included in the record of the hearing before the department which the party intends to offer at the hearing before the Board].

(e) Recording the Hearing and Preparation of Transcript.

(1) All hearings before the board [Board] shall be [tape] recorded and [All tape recordings of hearings before the Board shall be] maintained by the General Counsel Division, Texas Department of Agriculture.

(2) Upon written request[, and payment of any associated [the appropriate] cost [by any party], the department shall prepare a copy of the [tape] recording of a hearing for any party [conducted by the Board].

(3) Upon written request and payment of any associated cost [of any party], the department shall prepare, or order the preparation of, a transcript of a hearing for any party [conducted by the Board]. The Board may assess the cost of the transcript to one or more parties].

(4) In the event a final decision of the board [Board] is appealed to the district court, the board [Board] may require the appealing party to pay all or part of the cost of preparation of the original or a certified copy of the record of the [Board] proceeding that is required to be transmitted to the reviewing court, as is specified by the board [Board].

§14.24. The Board's Final Determination.

(a) All final determinations of the board [Board] shall be in writing and shall set forth findings of fact and conclusions of law as required by the Administrative Procedure Act.

(b) Unless otherwise prohibited by statute or by this chapter, all final board [Board] determinations may be signed by the chairman [Chairman], on behalf of the board [Board]. In the event that the final decision of the board [Board] is not unanimous, the final determination may indicate that the vote was not unanimous, and may indicate those members dissenting.

(c) Except for good cause, the [The] Board's final determination shall be issued within 60 days of the closing of the record of the case; unless for good cause, the Board members hearing the case are not able to reconvene to deliberate on a case within the 60 day period after the closing of the record].

§14.25. Motion for Rehearing.

A motion for rehearing shall be governed by the Administrative Procedure Act, §§2001.145-2001.146. Communications regarding any such motion shall be directed to the board [Board], and filed with the Hearings Clerk, General Counsel Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. A copy of the motion for rehearing shall [should also] be sent to the opposing party and/or designated representative. Board rulings on motions for rehearing shall [may] be made [by telephone, mail, or other suitable means of communication] in accordance with the Administrative Procedure Act, §2001.146. A final determination granting or denying a motion for rehearing may be signed by the chairman [Chairman] on behalf of the board [Board].

§14.26. Appeals.

All appeals from final board [Board] determinations shall be governed by the Administrative Procedure Act, Subchapter G; or other pertinent statute].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 9, 2025.

TRD-202501947



TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 101. DENTAL LICENSURE

22 TAC §101.1

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §101.1, pertaining to general qualifications for dental licensure. The proposed amendment requires applicants to submit a National Practitioner Data Bank self-query report upon initial licensure. Initial applicants currently submit this report to the Board as part of the licensing application process; this amendment is proposed to reflect the Board's current process.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last

day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§101.1. General Qualifications for Licensure.

(a) Any person desiring to practice dentistry in the State of Texas must possess a license issued by the State Board of Dental Examiners (Board) as required by the Dental Practice Act and Board rules.

(b) Any applicant for licensure under this chapter must meet the requirements of this section.

(c) To be eligible for licensure, an applicant must present on or accompanying a licensure application form approved by the Board proof satisfactory to the Board that the applicant:

- (1) Is at least 21 years of age;
- (2) Is professionally fit, which is demonstrated by patterns of personal, academic and occupational behaviors, including final or pending disciplinary action on an occupational license in any jurisdiction, which, in the judgment of the Board, indicate honesty, accountability, trustworthiness, reliability, integrity, and ability;
- (3) Has successfully completed a current course in basic life support;
- (4) Has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application;
- (5) Has paid all application fees required by the Dental Practice Act and Board rules;
- (6) Has submitted fingerprints for the retrieval of criminal history record information; ~~and~~
- (7) Has completed a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission; ~~and~~[-];
- (8) Has submitted a National Practitioner Data Bank self-query report upon initial licensure. The report results must remain in the original sealed envelope.

(d) In conjunction with the application, the applicant must provide any information requested by the Board pursuant to §254.019(b) of the Dental Practice Act. If an applicant fails to comply with this subsection, then the applicant is subject to disciplinary action, which includes administrative fines and public disciplinary sanctions.

(e) Applications for licensure must be delivered to the office of the Board.

(f) An application for licensure is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application for licensure and fee will be returned to the applicant with an explanation of additional documentation or information needed.

(g) Each applicant must submit to the Board the documents and information required by this chapter and other documents or information requested by the Board to evaluate an application and take appropriate actions.

(h) An applicant for licensure is ineligible if they are in violation of a board order at the time of application.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

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Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: July 20, 2025

For further information, please call: (737) 363-2333



22 TAC §101.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §101.2, pertaining to dental licensure by examination. The proposed amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA). The proposed amendment also changes the remediation requirements by (1) allowing applicants to take a remediation course before or after passing an examination to give applicants flexibility on when to take the course, and (2) allowing Board staff to approve the remediation course.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by

email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§101.2. Licensure by Examination.

(a) In addition to the general qualifications for licensure contained in §101.1 of this chapter (relating to General Qualifications for Licensure), an applicant for licensure by examination who is a graduate of an accredited school must present proof that the applicant:

(1) Has graduated and received either the "DDS" or "DMD" degree from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (CODA);

(2) Has taken and passed the examination for dentists given by the American Dental Association Joint Commission on National Dental Examinations; and

(3) Has taken and passed the appropriate general dentistry live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board.

(b) In addition to the general qualifications for licensure contained in §101.1 of this chapter, an applicant for licensure by examination who is a graduate of a non-accredited school must present proof that the applicant:

(1) Has graduated from a dental school that is not CODA-accredited;

(2) Has successfully completed training in an American Dental Association-approved specialty in a CODA-accredited education program that consists of at least two years of training as specified by the Council on Dental Education;

(3) Has taken and passed the examination for dentists given by the American Dental Association Joint Commission on National Dental Examinations; and

(4) Has taken and passed the appropriate general dentistry live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board. Many regional examining boards require prior written approval by the participating member state in order for graduates of non-accredited schools to be tested. Prior to submitting an application for regional examination, graduates of non-accredited schools must obtain such permission from the Board.

(c) Designated regional examining boards.

(1) The following regional examining boards have been designated as acceptable by the Board as of the effective dates shown:

(A) The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA), August 1, 2022; and

(B) Central Regional Dental Testing Service-States Resources for Testing and Assessments (CRDTS-SRTA), January 6, 2025. [Central Regional Dental Testing Service (CRDTS), January 1, 2002; and]

[(C) States Resources for Testing and Assessments (SRTA), January 1, 2005.]

(2) Examination results will be accepted for seven years from the date of the examination.

(d) Remediation.

(1) If an applicant for Texas dental licensure fails three general dentistry live patient or hands-on simulation clinical examination attempts, the applicant must complete 80 hours of a clinical remediation course through a CODA-accredited dental school approved by Board staff. ~~[before approval will be issued to take another live patient or hands-on simulation clinical examination.]~~

(2) If an applicant fails four or more general dentistry live patient or hands-on simulation clinical examination attempts, the applicant must complete one of the following ~~[before approval will be issued to take another live patient or hands-on simulation clinical examination]~~:

(A) the repetition of the final year of a graduate dental program from a CODA-accredited dental school; or

(B) the completion of a clinical remediation course offered by a CODA-accredited dental school approved by Board staff, consisting of no less than 1,000 clinical hours.

(3) All programs of clinical remediation require prior approval by ~~[the]~~ Board staff. Applicants will be responsible for locating, identifying and obtaining approval from ~~[the]~~ Board staff prior to registration for any program.

(4) Re-examination must be accomplished within 18 months of ~~[following]~~ the date of either the completion of the clinical remediation course or the repetition of the final year of a graduate dental program as required in subsection (d)(1) - (3) of this section. ~~[the Board approves a remediation program for the applicant.]~~

(e) An applicant who takes an examination after January 1, 2019, must also successfully complete the periodontics and prosthodontics sections of an exam approved under subsection (c)(1) of this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

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Lauren Studdard

General Counsel

State Board of Dental Examiners

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For further information, please call: (737) 363-2333



CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.1

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §103.1, pertaining to general qualifications for hygiene licensure. The proposed amendment requires applicants to submit a National Practitioner Data Bank self-query report upon initial licensure. Initial applicants currently submit this report to the Board as part of the licensing application

process; this amendment is proposed to reflect the Board's current process.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply:

(1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§103.1. General Qualifications for Licensure.

(a) Any person desiring to practice dental hygiene in the State of Texas must possess a license issued by the State Board of Dental Examiners (Board) as required by the Dental Practice Act and Board rules.

(b) Any applicant for licensure under this chapter must meet the requirements of this section.

(c) To be eligible for licensure, an applicant must present on or accompanying a licensure application form approved by the Board proof satisfactory to the Board that the applicant:

(1) Is at least 18 years of age;

(2) Is professionally fit, which is demonstrated by patterns of personal, academic and occupational behaviors, including final or pending disciplinary action on an occupational license, which, in the judgment of the Board, indicate honesty, accountability, trustworthiness, reliability, integrity, and ability;

(3) Has graduated from an accredited high school or holds a certificate of high school equivalency, General Equivalency Diploma (GED);

(4) Has graduated from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (CODA) with a degree in dentistry or a degree or certificate in dental hygiene, or has graduated from a CODA-accredited school or college of dental hygiene with a degree in dental hygiene;

(5) Has taken and passed the examination for dental hygienists given by the American Dental Association Joint Commission on National Dental Examinations;

(6) Has met the requirements of §101.8 of this title (relating to Persons with Criminal Backgrounds);

(7) Has successfully completed a current course in basic life support;

(8) Has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year prior to application;

(9) Has paid all application, examination and licensing fees required by the Dental Practice Act and Board rules;

(10) Has submitted fingerprints for the retrieval of criminal history record information; ~~and~~

(11) Has completed a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission; and[-]

(12) Has submitted a National Practitioner Data Bank self-query report upon initial licensure. The report results must remain in the original sealed envelope.

(d) Applications for licensure must be delivered to the office of the Board.

(e) An application for licensure is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application for licensure and fee will be returned to applicant with an explanation of additional documentation or information needed.

(f) Each applicant must submit to the Board the documents and information required by this chapter and other documents or information requested by the Board to evaluate an application and take appropriate actions.

(g) An applicant for licensure is ineligible if they are in violation of a board order at the time of application.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Lauren Studdard
General Counsel
State Board of Dental Examiners
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For further information, please call: (737) 363-2333



22 TAC §103.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §103.2, pertaining to dental hygiene licensure by examination. The proposed amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA).

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§103.2. *Licensure for Examination.*

(a) In addition to the general qualifications for licensure contained in §103.1 of this chapter (relating to General Qualifications for Licensure), an applicant for dental hygienist licensure by examination must present proof that the applicant has taken and passed the appropriate live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board.

(b) Designated regional examining boards.

(1) The following regional examining boards have been designated as acceptable by the Board as of the effective dates shown:

(A) The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA), August 1, 2022; and

(B) Central Regional Dental Testing Service-States Resources for Testing and Assessments (CRDTS-SRTA), January 6, 2025. [Central Regional Dental Testing Service (CRDTS); January 1, 2002; and]

[(C) States Resources for Testing and Assessments (SRTA); January 1, 2005.]

(2) Examination results will be accepted for seven years from the date of the examination.

(c) Remediation.

(1) If an applicant for Texas dental hygienist licensure fails three dental hygiene live patient or hands-on simulation clinical examination attempts, the applicant must complete 40 hours of clinical remediation through a CODA-accredited dental hygiene program before approval will be issued to take another live patient or hands-on simulation clinical examination.

(2) If an applicant fails four or more dental hygiene live patient or hands-on simulation clinical examination attempts, the applicant must complete 150 hours of clinical remediation through a CODA-accredited dental hygiene program before approval will be issued to take another live patient or hands-on simulation clinical examination.

(3) All programs of clinical remediation require prior approval by the Board. Applicants will be responsible for locating, identifying and obtaining approval from the Board prior to registration for any program.

(4) Re-examination must be accomplished within 18 months following the date the Board approves a remediation program for the applicant.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

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Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: July 20, 2025

For further information, please call: (737) 363-2333



CHAPTER 104. CONTINUING EDUCATION

22 TAC §104.1

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §104.1, pertaining to continuing edu-

cation requirements. The proposed amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA).

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply:

(1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§104.1. Continuing Education Requirements.

As a prerequisite to the biennial renewal of a dental or dental hygiene license, proof of completion of 24 hours of acceptable continuing education is required.

(1) Each licensee shall select and participate in the continuing education courses endorsed by the providers identified in §104.2 of this title (relating to Providers). A licensee, other than a licensee who resides outside of the United States, who is unable to meet education course requirements may request that alternative courses or procedures be approved by the Licensing Committee.

(A) Such requests must be in writing and submitted to and approved by the Licensing Committee prior to the expiration of the biennial period for which the alternative is being requested.

(B) A licensee must provide supporting documentation detailing the reason why the continuing education requirements set forth in this section cannot be met and must submit a proposal for alternative education procedures.

(C) Acceptable causes may include unanticipated financial or medical hardships or other extraordinary circumstances that are documented.

(D) A licensee who resides outside of the United States may, without prior approval of the Licensing Committee, complete all required hours of coursework by self-study.

(i) These self-study hours must be provided by those entities cited in §104.2 of this title. Examples of self-study courses include correspondence courses, video courses, audio courses, and reading courses.

(ii) Upon being audited for continuing education compliance, a licensee who submits self-study hours under this subsection must be able to demonstrate residence outside of the United States for all periods of time for which self-study hours were submitted.

(E) Should a request to the Licensing Committee be denied, the licensee must complete the requirements of this section.

(2) Effective September 1, 2018, the following conditions and restrictions shall apply to coursework submitted for renewal purposes:

(A) At least 16 hours of coursework must be either technical or scientific as related to clinical care. The terms "technical" and "scientific" as applied to continuing education shall mean that courses have significant intellectual or practical content and are designed to directly enhance the practitioner's knowledge and skill in providing clinical care to the individual patient.

(B) Effective January 1, 2021, a licensed dentist whose practice includes direct patient care must complete not less than 2 hours of continuing education annually, and not less than 4 hours for each biennial renewal, regarding safe and effective pain management related to the prescription of opioids and other controlled substances. These 4 hours may be used to satisfy the 16-hour technical and scientific requirement. The courses taken to satisfy the safe and effective pain management requirement must include education regarding:

(i) reasonable standards of care;

(ii) the identification of drug-seeking behavior in patients; and

(iii) effectively communicating with patients regarding the prescription of an opioid or other controlled substance.

(C) Up to 8 hours of coursework may be in risk-management courses. Acceptable "risk management" courses include courses in risk management, record-keeping, and ethics. Dentists may complete continuing education courses described by §111.1 of this title (relating to Additional Continuing Education Required) to satisfy a portion of the risk-management requirement.

(D) Up to 8 hours of coursework may be self-study. These self-study hours must be provided by those entities cited in §104.2 of this title. Examples of self-study courses include correspondence courses, video courses, audio courses, and reading courses.

(E) Hours of coursework in the standards of the Occupational Safety and Health Administration (OSHA) annual update

course or in cardiopulmonary resuscitation (CPR) basic life support training may not be considered in the 24-hour requirement.

(F) Hours of coursework in practice finance may not be considered in the 24-hour requirement.

(3) As part of the 24-hour requirement, a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission must be completed.

(4) Each licensee shall complete the jurisprudence assessment every four (4) years. This requirement is in addition to the twenty-four (24) hours of continuing education required biennially for the renewal of a license.

(5) A licensee may carry forward continuing education hours earned prior to a renewal period which are in excess of the 24-hour requirement and such excess hours may be applied to subsequent years' requirements. Excess hours to be carried forward must have been earned in a classroom setting and within the one year immediately preceding the renewal period. A maximum of 24 total excess credit hours may be carried forward.

(6) Examiners for The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA) and Central Regional Dental Testing Services-States Resources for Testing and Assessments (CRDTS-SRTA) [~~States Resources for Testing and Assessments (SRTA)~~], and Central Regional Dental Testing Services Inc. (CRDTS) will be allowed credit for no more than 12 hours biennially, obtained from calibration and standardization exercises associated with the examinations.

(7) Any individual or entity may petition one of the providers listed in §104.2 of this title to offer continuing education.

(8) Providers cited in §104.2 of this title will approve individual courses and/or instructors.

(9) A consultant for the SBDE who is also a licensee of the SBDE is eligible to receive up to 12 hours of continuing education credit biennially to apply towards the biennial renewal continuing education requirement under this section.

(A) Continuing education credit hours shall be awarded for the issuance of an expert opinion based upon the review of SBDE cases and for providing assistance to the SBDE in the investigation and prosecution of cases involving violations of the Dental Practice Act and/or the Rules of the SBDE.

(B) The amount of continuing education credit hours to be granted for each consultant task performed shall be determined by the Executive Director, Division Director, or manager that authorizes the consultant task to be performed. The award of continuing education credit shall be confirmed in writing and based upon a reasonable assessment of the time required to complete the task.

(10) A course instructor who offers continuing education through a provider listed in §104.2 of this title is eligible to receive 2 hours of continuing education credit for every 1 hour of instruction provided. This credit applies per course, per renewal period.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

TRD-202501924



22 TAC §104.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §104.2, pertaining to continuing education providers. The proposed amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA).

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§104.2. *Continuing Education Providers.*

(a) - (d) (No change.)

(e) Continuing Education courses endorsed by the following providers will meet the criteria for acceptable continuing education hours if such hours are certified by the following providers:

(1) American Dental Association--Continuing Education Recognition Program (CERP);

(2) American Dental Association, its component, and its constituent organizations;

(3) Academy of General Dentistry and its constituents and approved sponsors;

(4) Dental/dental hygiene schools and programs accredited by the Commission on Dental Accreditation of the American Dental Association;

(5) American Dental Association approved specialty organizations;

(6) American Dental Hygienists' Association, its component, and its constituent organizations;

(7) American Medical Association approved specialty organizations;

(8) American Medical Association approved hospital courses;

(9) National Dental Association, its constituent, and its component societies;

(10) National Dental Hygienists' Association, its constituent, and its component societies;

(11) Medical schools and programs accredited by the Standards of the Medical Specialties, the American Medical Association, the Advisory Board for Osteopathic Specialists and Boards of Certification, or the American Osteopathic Association;

(12) The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA) and Central Regional Dental Testing Services-States Resources for Testing and Assessments (CRDTS-SRTA) [States Resources for Testing and Assessments (SRTA)]; and Central Regional Dental Testing Services Inc. (CRDTS)];

(13) American Academy of Dental Hygiene;

(14) American Dental Education Association;

(15) American Heart Association;

(16) Texas Dental Hygiene Educators' Association;

(17) Dental Laboratory Association of Texas;

(18) Dental Assisting National Board;

(19) American Dental Assistants Association and its constituent organizations;

(20) The Compliance Division, LLC;

(21) Dental Compliance Specialists, LLC; and

(22) Other entities approved by the Board as shown in the attached graphic for this section.

Figure: 22 TAC §104.2(e)(22) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

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Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: July 20, 2025

For further information, please call: (737) 363-2333



CHAPTER 114. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS

22 TAC §114.6

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §114.6, pertaining to general qualifications for registration or certification of dental assistants. The proposed amendment requires applicants to submit a National Practitioner Data Bank self-query report upon initial registration. Initial applicants currently submit this report to the Board as part of the licensing application process; this amendment is proposed to reflect the Board's current process. The proposed amendment also specifies the name of 22 TAC §101.8.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the

Texas Register. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§114.6. *General Qualifications for Registration or Certification.*

(a) Any person who desires to provide dental assistant services requiring registration or certification must obtain the proper registration or certification issued by the Board before providing the services, except as provided in Texas Occupations Code §265.001(d) and §114.11 of this chapter.

(b) Any applicant for registration or certification must meet the requirements of this chapter.

(c) To be eligible for registration or certification, an applicant must provide with an application form approved by the Board satisfactory proof to the Board that the applicant:

(1) has fulfilled all requirements for registration or certification outlined in this chapter;

(2) has met the requirements of §101.8 of this title (relating to Persons with Criminal Backgrounds);

(3) has not had any disciplinary action taken in this state or any other jurisdiction;

(4) has successfully completed a current course in basic life support;

(5) has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application;

(6) has paid all application, examination and fees required by law and Board rules and regulations; ~~and~~

(7) has completed a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission; ~~and~~[-]

(8) has submitted a National Practitioner Data Bank self-query report upon initial registration or certification. The report results must remain in the original sealed envelope.

(d) Applications for dental assistant registration and certification must be delivered to the office of the State Board of Dental Examiners.

(e) An application for dental assistant registration or certification is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application will be returned to the applicant with an explanation of additional documentation or information needed.

(f) The Board may refuse to issue registration or certificate or may issue a conditional registration or certificate to any individual who does not meet the requirements of subsections (c)(2) or (c)(3) of this section, or who:

(1) presents to the Board fraudulent or false evidence of the person's qualification for registration or certification;

- (2) is guilty of any illegality, fraud, or deception during the process to secure a registration or certification;
- (3) is habitually intoxicated or is addicted to drugs;
- (4) commits a dishonest or illegal practice in or connected to dentistry;
- (5) is convicted of a felony under federal law or law of this state; or
- (6) is found to have violated a law of this state relating to the practice of dentistry within the 12 months preceding the date the person filed an application for a registration or certification.

(g) If the Board chooses to issue a conditional registration or certificate, the individual may be required to enter into an agreed settlement order with the Board at the time the registration or certificate is issued.

(1) The order may include limitations including, but not limited to, practice limitations, stipulations, compliance with court ordered conditions, notification to employer or any other requirements the Board recommends to ensure public safety.

(2) In the event an applicant is uncertain whether he or she is qualified to obtain a dental assistant registration or certification due to criminal conduct, the applicant may request a Criminal History Evaluation Letter in accordance with §114.9 of this chapter, prior to application.

(3) Should the individual violate the terms of his or her conditional registration or certificate, the Board may take additional disciplinary action against the individual.

(h) An applicant whose application is denied by the Board may appeal the decision to the State Office of Administrative Hearings.

(i) An individual whose application for dental assistant registration/certification is denied is not eligible to file another application for registration/certification until the expiration of one year from the date of denial or the date of the Board's order denying the application for registration/certification, whichever date is later.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

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Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: July 20, 2025

For further information, please call: (737) 363-2333



CHAPTER 117. FACULTY AND STUDENTS IN ACCREDITED DENTAL SCHOOLS

22 TAC §117.2

The State Board of Dental Examiners (Board) proposes these amendments to 22 TAC §117.2, pertaining to dental faculty licensure. The proposed amendment: (1) requires that faculty license holders submit an employment affidavit form upon renewal to show that they are still currently employed by their employer school, and (2) corrects a grammatical error.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§117.2. Dental Faculty Licensure.

(a) Effective March 1, 2004, the SBDE will issue a license to a dental school faculty member who [that] provides direct patient care, upon payment of a fee in an amount set by the Board, who meets all the following criteria:

- (1) holds a degree from a dental school;
- (2) holds a full-time or part-time salaried faculty position at a dental or dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association;
- (3) obtains endorsement of the application from the Dean, Department Chair, or Program Director of the employer-school;
- (4) pays an application fee set by the Board; and

(5) has taken and passed the jurisprudence examination administered by the SBDE or its designated testing service.

(b) An applicant for a license under this chapter must file an application for the license not later than the 30th day after the date the person begins employment with the dental or dental hygiene school.

(c) A license under this chapter must be renewed annually. Upon renewal, a license holder must submit an employment affidavit form completed by the Dean, Department Chair, or Program Director of the employer-school.

(d) A license issued under this chapter expires on the termination of employment with the dental or dental hygiene school.

(e) A license holder whose employment with a dental or dental hygiene school terminates and who is subsequently employed by the same or different dental or dental hygiene school must comply with requirements for obtaining an original license, except that the person is not required to re-take the jurisprudence exam.

(f) A license issued under this chapter does not authorize the license holder to engage in the practice of dentistry or dental hygiene outside the auspices of the employing dental or dental hygiene school or program.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

TRD-202501927

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: July 20, 2025

For further information, please call: (737) 363-2333



22 TAC §117.3

The State Board of Dental Examiners (Board) proposes these amendments to 22 TAC §117.3, pertaining to dental hygiene faculty licensure. The proposed amendment: (1) conforms the rule to the statutory language in Texas Occupations Code §267.003, (2) requires that faculty license holders submit an employment affidavit form upon renewal to show that they are still currently employed by their employer school, and (3) corrects grammatical and punctuation errors.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§117.3. Dental Hygiene Faculty Licensure.

(a) Effective March 1, 2004, the SBDE will issue a license to a dental hygiene school faculty member who [that] provides direct patient care, upon payment of a fee in an amount set by the Board, who meets all the following criteria:

(1) holds a degree [has graduated] from a dental hygiene school;

(2) holds a full-time or part-time salaried faculty position at a dental or dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association;

(3) obtains endorsement of the application from the Dean, Department Chair, or Program Director of the employer-school;

(4) pays an application fee set by the Board; and

(5) has taken and passed the jurisprudence examination administered by the SBDE or its designated testing service.

(b) An applicant for a license under this chapter must file an application for the license not later than the 30th day after the date the person begins employment with the dental or dental hygiene school [within six months of employment date].

(c) A license under this chapter must be renewed annually. Upon renewal, a license holder must submit an employment affidavit form completed by the Dean, Department Chair, or Program Director of the employer-school.

(d) A license issued under this chapter expires on the termination of employment with the dental or dental hygiene school.

(e) A license holder whose employment with a dental or dental hygiene school terminates and who is subsequently employed by the same or different dental or dental hygiene school must comply with

requirements for obtaining an original license, except that the person is not required to re-take the jurisprudence exam.

(f) A license issued under this chapter does not authorize the license holder to engage in the practice of dentistry or dental hygiene outside the auspices of the employing dental or dental hygiene school or program.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 4, 2025.

TRD-202501928

Lauren Studdard

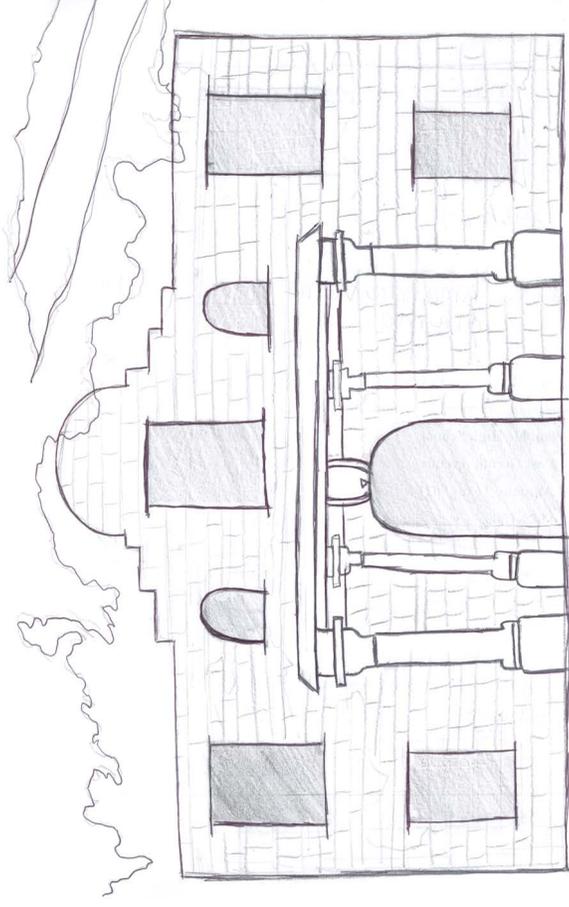
General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: July 20, 2025

For further information, please call: (737) 363-2333





WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 14. PERISHABLE COMMODITIES HANDLING AND MARKETING PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

4 TAC §§14.1 - 14.4

Proposed new and amended §§14.1 - 14.4, published in the December 6, 2024, issue of the *Texas Register* (49 TexReg 9849), are withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on June 9, 2025.
TRD-202501950



SUBCHAPTER B. PRODUCE RECOVERY FUND CLAIMS

4 TAC §§14.10 - 14.14

Proposed amended 4 TAC §§14.10 - 14.14, published in the December 6, 2024, issue of the *Texas Register* (49 TexReg 9849), are withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on June 9, 2025.
TRD-202501951



SUBCHAPTER C. PRODUCE RECOVERY FUND BOARD

4 TAC §§14.20 - 14.26

Proposed amended §§14.20 - 14.26, published in the December 9, 2024, issue of the *Texas Register* (49 TexReg 9849), are withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

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TRD-202501952



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 745. LICENSING

SUBCHAPTER J. WAIVERS AND VARIANCES FOR MINIMUM STANDARDS

26 TAC §745.8301

The Health and Human Services Commission withdraws proposed amendments to §745.8301 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3424).

Filed with the Office of the Secretary of State on June 6, 2025.

TRD-202501938

Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



CHAPTER 749. MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

SUBCHAPTER M. FOSTER HOMES: SCREENINGS AND VERIFICATIONS

DIVISION 3. VERIFICATION OF FOSTER HOME

26 TAC §749.2472

The Health and Human Services Commission withdraws the proposed repeal of §749.2472 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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Karen Ray

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Health and Human Services Commission

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For further information, please call: (512) 438-3269



SUBCHAPTER W. KINSHIP FOSTER HOMES DIVISION 1. DEFINITIONS AND SCOPE

26 TAC §749.4401, §749.4403

The Health and Human Services Commission withdraws proposed new §749.4401 and §749.4403 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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TRD-202501931

Karen Ray

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Health and Human Services Commission

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For further information, please call: (512) 438-3269



DIVISION 2. PRE-VERIFICATION AND ONGOING TRAINING REQUIREMENTS

26 TAC §§749.4421, 749.4423, 749.4425, 749.4427, 749.4429

The Health and Human Services Commission withdraws proposed new §§749.4421, 749.4423, 749.4425, 749.4427, and 749.4429 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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TRD-202501932

Karen Ray

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For further information, please call: (512) 438-3269



DIVISION 3. ADMISSION AND PLACEMENT

26 TAC §§749.4441, 749.4443, 749.4445, 749.4447, 749.4449, 749.4451

The Health and Human Services Commission withdraws proposed new §§749.4441, 749.4443, 749.4445, 749.4447, 749.4449, and 749.4451 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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Karen Ray

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For further information, please call: (512) 438-3269



DIVISION 4. MEDICAL AND DENTAL REQUIREMENTS

26 TAC §§749.4461, 749.4463, 749.4465

The Health and Human Services Commission withdraws proposed new 26 TAC §§749.4461, 749.4463 and 749.4465 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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Karen Ray

Chief Counsel

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For further information, please call: (512) 438-3269



DIVISION 5. DAILY CARE, EDUCATION, AND DISCIPLINE

26 TAC §§749.4471, 749.4473, 749.4475, 749.4477, 749.4479, 749.4481, 749.4483, 749.4485, 749.4487, 749.4489, 749.4491, 749.4493

The Health and Human Services Commission withdraws proposed new §§749.4471, 749.4473, 749.4475, 749.4477, 749.4479, 749.4481, 749.4483, 749.4485, 749.4487, 749.4489, 749.4491, and 749.4493 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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TRD-202501935

Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



DIVISION 6. SCREENINGS AND VERIFICATIONS

26 TAC §§749.4501, 749.4503, 749.4505, 749.4507, 749.4509, 749.4511, 749.4513, 749.4515, 749.4517, 749.4519, 749.4521, 749.4523

The Health and Human Services Commission withdraws proposed new §§749.4501, 749.4503, 749.4505, 749.4507, 749.4509, 749.4511, 749.4513, 749.4515, 749.4517, 749.4519, 749.4521, and 749.4523 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



DIVISION 7. HEALTH AND SAFETY REQUIREMENTS, ENVIRONMENT, SPACE, AND EQUIPMENT

26 TAC §§749.4551, 749.4553, 749.4555, 749.4557, 749.4559, 749.4561, 749.4563, 749.4565, 749.4567, 749.4569, 749.4571, 749.4573, 749.4575, 749.4577, 749.4579, 749.4581

The Health and Human Services Commission withdraws proposed new §§749.4551, 749.4553, 749.4555, 749.4557, 749.4559, 749.4561, 749.4563, 749.4565, 749.4567, 749.4569, 749.4571, 749.4573, 749.4575, 749.4577, 749.4579, and 749.4581 which appeared in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3425).

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TRD-202501937

Karen Ray

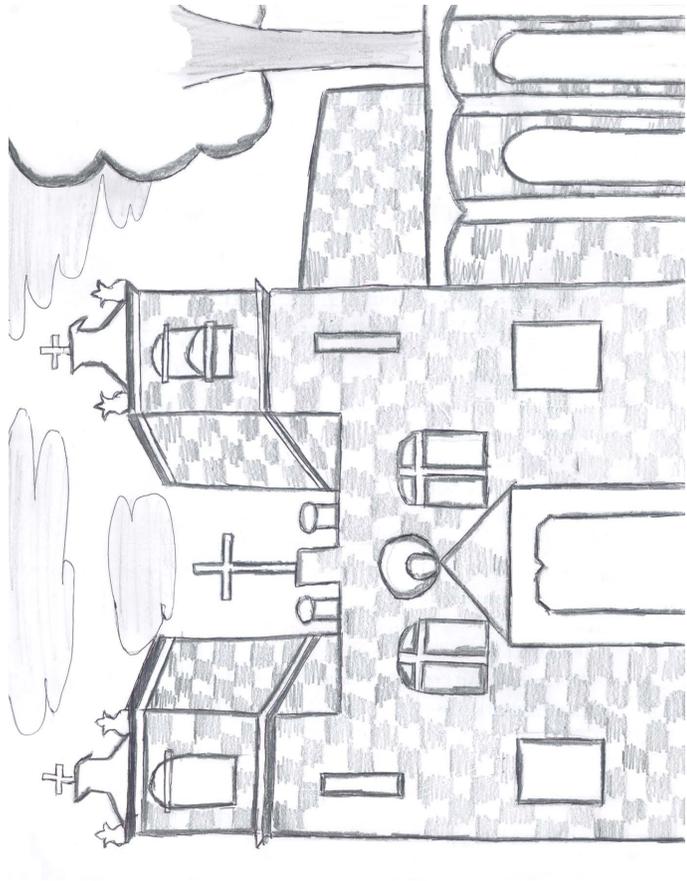
Chief Counsel

Health and Human Services Commission

Effective date: June 6, 2025

For further information, please call: (512) 438-3269





ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 355. REIMBURSEMENT RATES

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §355.502, concerning Reimbursement Methodology for Common Services in Home and Community-Based Services Waivers; §355.505, concerning Reimbursement Methodology for the Community Living Assistance and Support Services Waiver Program; §355.513, concerning Reimbursement Methodology for the Deaf-Blind with Multiple Disabilities Waiver Program; §355.723, concerning Reimbursement Methodology for Home and Community-Based Services and Texas Home Living Programs; and §355.725, concerning Reimbursement Methodology for Common Waiver Services in Home and Community-based Services (HCS) and Texas Home Living (TxHmL).

Sections 355.502 and 355.723 are adopted without changes to the proposed text as published in the January 24, 2025, issue of the *Texas Register* (50 TexReg 513). These rules will not be republished.

Sections 355.505, 355.513, and 355.725 are adopted with changes to the proposed text as published in the January 24, 2025, issue of the *Texas Register* (50 TexReg 513). These rules will be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to add in-home and out-of-home settings for home health care services (including nursing, occupational therapy, and physical therapy) to the reimbursement methodologies for Community Living Assistance and Support Services Waiver Program (CLASS), the Deaf-blind Multiple Disabilities (DBMD), Home and Community-based Services (HCS), and Texas Home Living (TxHmL) waiver programs. These amendments ensure compliance with the 21st Century Cures Act, which requires all states to implement the use of electronic visit verification (EVV).

The amendments also establish the reimbursement methodology for employment readiness services in the DBMD, HCS, and TxHmL waiver programs in accordance with House Bill 4169, 88th Legislature, Regular Session, 2023.

COMMENTS

The 31-day comment period ended on February 24, 2025.

During this period, HHSC did not receive any comments regarding the proposed rules.

HHSC made minor edits to §§355.505, 355.513, and 355.725 to specify the location of cross references and correct an incorrect capitalization in §355.505(c)(4)(C).

SUBCHAPTER E. COMMUNITY CARE FOR AGED AND DISABLED

1 TAC §§355.502, 355.505, 355.513

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; and Texas Human Resources Code §32.021 and Texas Government Code §532.0051(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §532.0057(a), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for medical assistance payments under the Texas Human Resources Code Chapter 32.

§355.505. *Reimbursement Methodology for the Community Living Assistance and Support Services Waiver Program.*

(a) General requirements. The Texas Health and Human Services Commission (HHSC) applies the general principles of cost determination as specified in §355.101 of this chapter (relating to Introduction). Providers are reimbursed for waiver services provided to Medicaid-enrolled persons with related conditions. Additionally, providers will be reimbursed a one-time administrative expense fee for a pre-enrollment assessment of potential waiver participants. The pre-enrollment assessment covers care planning for the participant.

(b) Reporting of cost.

(1) Providers must follow the cost reporting guidelines as specified in §355.105 of this chapter (relating to General Reporting and Documentation Requirements, Methods, and Procedures).

(2) Number of cost reports to be submitted. All legal entities must submit a cost report unless the number of days between the date the legal entity's first Texas Department of Aging and Disability Services (DADS) client received services and the legal entity's fiscal year end is 30 days or fewer.

(A) Contracted providers participating in the attendant compensation rate enhancement.

(i) At the same level of enhancement. If all the contracts under the legal entity participate in the enhancement at the same level of enhancement, the contracted provider must submit one cost report for the legal entity.

(ii) At different levels of enhancement. If all the contracts under the legal entity participate in the enhancement but they

participate at more than one enhancement level, the contracted provider must submit one cost report for each level of enhancement.

(B) Contracted providers not participating in the attendant compensation rate enhancement. If all the contracts under the legal entity do not participate in the enhancement, the contracted provider must submit one cost report for the legal entity.

(C) Contractors participating and not participating in attendant compensation rate enhancement.

(i) At the same level of enhancement. If some of the contracts under the legal entity do not participate in the enhancement and the rest of the contracts under the legal entity participate at the same level of enhancement, the contracted provider must submit:

(I) one cost report for the contracts that do not participate; and

(II) one cost report for the contracts that do participate.

(ii) At different levels of enhancement. If some of the contracts under the legal entity do not participate in the enhancement and the rest of the contracts under the legal entity participate in the enhancement but they participate at more than one enhancement level, the contracted provider must submit:

(I) one cost report for the contracts that do not participate; and

(II) one cost report for each level of enhancement.

(3) Excused from submission of cost reports. If required by HHSC, a contracted provider must submit a cost report unless the provider meets one or more of the conditions in §355.105(b)(4)(D) of this chapter.

(c) Waiver reimbursement determination methodology.

(1) Unit of service reimbursement or reimbursement ceiling by unit of service. Reimbursement or reimbursement ceilings for related-conditions waiver services, habilitation, nursing services provided by a registered nurse (RN), nursing services provided by a licensed vocational nurse (LVN), physical therapy, occupational therapy, speech and language pathology, behavioral support, auditory integration training/auditory enhancement training (audiology services), nutritional services, employment assistance, supported employment, day activity and health services, and in-home and out-of-home respite care services will be determined on a fee-for-service basis. These services are provided under §1915(c) of the Social Security Act Medicaid waiver for persons with related conditions.

(2) Monthly reimbursement. The reimbursement for case management waiver service will be determined as a monthly reimbursement. This service is provided under the §1915(c) of the Social Security Act Medicaid waiver for persons with related conditions.

(3) Reporting and verification of allowable cost.

(A) Providers are responsible for reporting only allowable costs on the cost report, except where cost report instructions indicate that other costs are to be reported in specific lines or sections. Only allowable cost information is used to determine recommended reimbursements. HHSC excludes from reimbursement determination any unallowable expenses included in the cost report and makes the appropriate adjustments to expenses and other information reported by providers; the purpose is to ensure that the database reflects costs and other information that are necessary for the provision of services and are consistent with federal and state regulations.

(B) Individual cost reports may not be included in the database used for reimbursement determination if:

(i) there is reasonable doubt as to the accuracy or allowability of a significant part of the information reported; or

(ii) an auditor determines that reported costs are not verifiable.

(4) Reimbursement determination. Recommended unit of service reimbursements and reimbursement ceilings by unit of service are determined in the following manner:

(A) Unit of service reimbursement for habilitation, and cost per unit of service for in-home and out-of-home nursing services provided by an RN, in-home and out-of-home nursing services provided by an LVN, in-home and out-of-home physical therapy, in-home and out-of-home occupational therapy, speech and language pathology, behavioral support services, auditory integration training/auditory enhancement training (audiology services), nutritional services, employment assistance, supported employment, and in-home and out-of-home respite care are determined in the following manner.

(i) The total allowable cost for each contracted provider cost report will be determined by analyzing the allowable historical costs reported on the cost report and other pertinent cost survey information.

(ii) The total allowable cost is reduced by the amount of the administrative expense fee and requisition fee revenues accrued for the reporting period.

(iii) Each provider's total allowable cost, excluding depreciation and mortgage interest, is projected from the historical cost reporting period to the prospective reimbursement period as described in §355.108 of this chapter (relating to Determination of Inflation Indices).

(iv) Payroll taxes and employee benefits are allocated to each salary line item on the cost report on a pro rata basis based on the portion of that salary line item to the amount of total salary expense for the appropriate group of staff. Employee benefits will be charged to a specific salary line item if the benefits are reported separately. The allocated payroll taxes are Federal Insurance Contributions Act (FICA) or social security, Medicare contributions, Workers' compensation Insurance (WCI), the Federal Unemployment Tax Act (FUTA), and the Texas Unemployment Compensation Act (TUCA).

(v) Allowable administrative and facility costs are allocated or spread to each waiver service cost component on a pro rata basis based on the portion of each waiver service's units of service to the amount of total waiver units of service.

(vi) Each provider's projected total allowable cost is divided by the number of units of service to determine the projected cost per unit of service.

(vii) For in-home and out-of-home nursing services provided by an RN, in-home and out-of-home nursing services provided by an LVN, in-home and out-of-home physical therapy, in-home and out-of-home occupational therapy, speech and language pathology, in-home respite care, behavioral support services, auditory integration training/auditory enhancement training (audiology services), nutritional services, employment assistance, and supported employment, the projected cost per unit of service, for each provider is multiplied by 1.044. This adjusted allowable cost per unit of service may be combined into an array with the allowable cost per unit of service of similar services provided by other programs in determining rates for these services in accordance with §355.502 of this subchapter (relating

to Reimbursement Methodology for Common Services in Home and Community-Based Services Waivers).

(viii) For habilitation services two cost areas are created:

(I) The attendant cost area includes salaries, wages, benefits, and mileage reimbursement calculated as specified in §355.112 of this chapter (relating to Attendant Compensation Rate Enhancement).

(II) Another attendant cost area is created which includes the other habilitation services costs not included in subclause (I) of this clause as determined in clauses (i) - (v) of this subparagraph to create an other attendant cost area. An allowable cost per unit of service is calculated for the other habilitation cost area. The allowable costs per unit of service for each contracted provider cost report are arrayed and weighted by the number of units of service, and the median cost per unit of service is calculated. The median cost per unit of service is multiplied by 1.044.

(III) The attendant cost area and the other attendant cost area are summed to determine the habilitation attendant cost per unit of service.

(ix) For out-of-home respite care, the allowable costs per unit of service are calculated as determined in clauses (i) - (vi) of this subparagraph. The allowable costs per unit of service for each contracted provider cost report are multiplied by 1.044. The costs per unit of service are then arrayed and weighted by the number of units of service, and the median cost per unit of service is calculated.

(B) The monthly reimbursement for case management services is determined in the following manner:

(i) Total allowable costs for each provider will be determined by analyzing the allowable historical costs reported on the cost report and other pertinent cost survey information.

(ii) Total allowable costs are reduced by the amount of administrative expense fee revenues reported.

(iii) Each provider's total allowable costs, excluding depreciation and mortgage interest, are projected from the historical cost reporting period to the prospective reimbursement period as described in §355.108 of this chapter (relating to Determination of Inflation Indices).

(iv) Payroll taxes and employee benefits are allocated to each salary line item on the cost report on a pro rata basis based on the portion of that salary line item to the amount of total salary expense for the appropriate group of staff. Employee benefits will be charged to a specific salary line item if the benefits are reported separately. The allocated payroll taxes are Federal Insurance Contributions Act (FICA) or social security, Medicare contributions, Workers' compensation Insurance (WCI), the Federal Unemployment Tax Act (FUTA), and the Texas Unemployment Compensation Act (TUCA).

(v) Each provider's projected total allowable costs are divided by the number of monthly units of service to determine the projected cost per client month of service.

(vi) Each provider's projected cost per client month of service is arrayed from low to high and weighted by the number of units of service and the median cost per client month of service is calculated.

(vii) The median projected cost per client month of service is multiplied by 1.044.

(C) The unit of service reimbursement for day activity and health services is determined in accordance with §355.6907 of this chapter (relating to Reimbursement Methodology for Day Activity and Health Services).

(D) HHSC also adjusts reimbursement according to §355.109 of this chapter (relating to Adjusting Reimbursement When New Legislation, Regulations, or Economic Factors Affect Costs) if new legislation, regulations, or economic factors affect costs.

(5) The reimbursement for support family services and continued family services will be determined as a per day rate using a method based on modeled costs which are developed by using data from surveys, cost report data from other similar programs, payment rates from other similar programs, consultation with other service providers and/or professionals experienced in delivering contracted services, or other sources as determined appropriate by HHSC. The per day rate will have two parts, one part for the child placing agency and one part for the support family.

(d) Administrative expense fee determination methodology.

(1) One-time administrative expense fee. Reimbursement for the pre-enrollment assessment and care planning process required to determine eligibility for the waiver program will be provided as a one-time administrative expense fee.

(2) Administrative expense fee determination process. The recommended administrative expense fee is determined using a method based on modeled projected expenses which are developed using data from surveys, cost report data from other similar programs or services, professionals' experience in delivering similar services, and other relevant sources.

(e) Requisition fees. Requisition fees are reimbursements paid to the CLASS direct service agency contracted providers for their efforts in acquiring adaptive aids, medical supplies, dental services, specialized therapies, and minor home modifications for CLASS participants. Reimbursement for requisition fees for adaptive aids, medical supplies, dental services, specialized therapies, and minor home modifications will vary based on the actual cost of the adaptive aids, medical supplies, dental services, specialized therapies, and minor home modifications. Reimbursements are determined using a method based on modeled projected expenses which are developed by using data from surveys; cost report data from similar programs; consultation with other service providers and/or professionals experienced in delivering contracted services; and/or other sources.

(f) Allowable and unallowable costs.

(1) Providers must follow the guidelines in determining whether a cost is allowable or unallowable as specified in §355.102 and §355.103 of this chapter (relating to General Principles of Allowable and Unallowable Costs, and Specifications for Allowable and Unallowable Costs) as well as the following provisions.

(2) Participant room and board expenses are not allowable, except for those related to respite care.

(3) The actual cost of adaptive aids, medical supplies, dental services, and home modifications is not allowable for cost reporting purposes. Allowable labor costs associated with acquiring adaptive aids, medical supplies, dental services, and home modifications should be reported in the cost report. Any item purchased for participants in this program and reimbursed through a voucher payment system is unallowable. Refer to §355.103(b)(20)(K) of this chapter (relating to Specifications for Allowable and Unallowable Costs).

(g) Authority to determine reimbursement. The authority to determine reimbursement is specified in §355.101 of this chapter (relating to Introduction).

(h) Reporting revenue. Revenues must be reported on the cost report in accordance with §355.104 of this chapter (relating to Revenues).

(i) Reviews and field audits of cost reports. Desk reviews or field audits are performed on all contracted providers' cost reports. The frequency and nature of the field audits are determined by HHSC to ensure the fiscal integrity of the program. Desk reviews and field audits will be conducted in accordance with §355.106 of this chapter (relating to Basic Objectives and Criteria for Audit and Desk Review of Cost Reports), and providers will be notified of the results of a desk review or a field audit in accordance with §355.107 of this chapter (relating to Notification of Exclusions and Adjustments). Providers may request an informal review and, if necessary, an administrative hearing to dispute an action taken under §355.110 of this chapter (relating to Informal Reviews and Formal Appeals).

(j) Reporting requirements. The program director's full salary is to be reported on the line item of the cost report designated for the director.

§355.513. *Reimbursement Methodology for the Deaf-Blind with Multiple Disabilities Waiver Program.*

(a) General information. The Texas Health and Human Services Commission (HHSC) applies the general principles of cost determination as specified in §355.101 of this chapter (relating to Introduction). Providers are reimbursed for waiver services provided to individuals who are deaf-blind with multiple disabilities.

(b) Other sources of cost information. If HHSC has determined that there is not sufficient reliable cost report data from which to set reimbursements and reimbursement ceilings for waiver services, reimbursements and reimbursement ceilings will be developed by using rates for similar services from other Medicaid programs; data from surveys; cost report data from other similar programs; consultation with other service providers or professionals experienced in delivering contracted services; and other sources.

(c) Waiver rate determination methodology. If HHSC deems it appropriate to require contracted providers to submit a cost report, recommended reimbursements for waiver services will be determined on a fee-for-service basis in the following manner for each of the services provided:

(1) Total allowable costs for each provider will be determined by analyzing the allowable historical costs reported on the cost report.

(2) Each provider's total reported allowable costs, excluding depreciation and mortgage interest, are projected from the historical cost-reporting period to the prospective reimbursement period as described in §355.108 of this chapter (relating to Determination of Inflation Indices). The prospective reimbursement period is the period of time that the reimbursement is expected to be in effect.

(3) Payroll taxes and employee benefits are allocated to each salary line item on the cost report on a pro rata basis based on the portion of that salary line item to the amount of total salary expense for the appropriate group of staff. Employee benefits will be charged to a specific salary line item if the benefits are reported separately. The allocated payroll taxes are Federal Insurance Contributions Act (FICA) or Social Security, Medicare Contributions, Workers' Compensation Insurance (WCI), the Federal Unemployment Tax Act (FUTA), and the Texas Unemployment Compensation Act (TUCA).

(4) Allowable administrative and overall facility/operations costs are allocated or spread to each waiver service cost component on a pro rata basis based on the portion of each waiver service's service units reported to the amount of total waiver service units reported. Service-specific facility and operations costs for out-of-home respite, and individualized skills and socialization services will be directly charged to the specific waiver service.

(5) For in-home and out-of-home nursing services provided by a registered nurse (RN), in-home and out-of-home nursing services provided by a licensed vocational nurse (LVN), in-home and out-of-home physical therapy, in-home and out-of-home occupational therapy, speech and language pathology, behavioral support services, audiology services, dietary services, employment assistance, and supported employment, an allowable cost per unit of service is calculated for each contracted provider cost report in accordance with paragraphs (1) - (4) of this subsection. The allowable costs per unit of service for each contracted provider cost report is multiplied by 1.044. This adjusted allowable costs per unit of service may be combined into an array with the allowable cost per unit of service of similar services provided by other programs in determining rates for these services in accordance with §355.502 of this subchapter (relating to Reimbursement Methodology for Common Services in Home and Community-Based Services Waivers).

(6) Requisition fees are reimbursements paid to the Deaf-Blind with Multiple Disabilities (DBMD) Waiver contracted providers for their efforts in acquiring adaptive aids, medical supplies, dental services, and minor home modifications for DBMD participants. Reimbursement for adaptive aids, medical supplies, dental services, and minor home modifications will vary based on the actual cost of the adaptive aid, medical supply, dental service, and minor home modification. Reimbursements are determined using a method based on modeled projected expenses which are developed by using data from surveys, cost report data from similar programs, consultation with other service providers or professionals experienced in delivering contracted services, or other sources.

(7) For residential habilitation transportation, chore, and intervener (excluding Interveners I, II, and III), services, two cost areas are created:

(A) The attendant cost area, which includes salaries, wages, benefits, and mileage reimbursement calculated as specified in §355.112 of this chapter (relating to Attendant Compensation Rate Enhancement).

(B) An administration and facility cost area, which includes costs for services not included in subparagraph (A) of this paragraph as determined in paragraphs (1) - (4) of this subsection. An allowable cost per unit of service is determined for each contracted provider cost report for the administration and facility cost area. The allowable costs per unit of service for each contracted provider cost report are arrayed. The units of service for each contracted provider cost report in the array are summed until the median unit of service is reached. The corresponding expense to the median unit of service is determined and is multiplied by 1.044.

(C) The attendant cost area, and the administration and facility cost area are summed to determine the cost per unit of service.

(8) For Interveners I, II, and III, payment rates are developed based on rates determined for other programs that provide similar services. If payment rates are not available from other programs that provide similar services, payment rates are determined using a pro forma approach in accordance with §355.105(h) of this chapter (relating to General Reporting and Documentation Requirements, Methods, and Procedures). Interveners I, II, and III are not considered atten-

dants for purposes of the Attendant Compensation Rate Enhancement described in §355.112 of this chapter, and providers are not eligible to receive direct care add-ons to the Intervener I, II, or III rates.

(9) Assisted living services payment rates are determined using a pro forma approach in accordance with §355.105(h) of this chapter. The rates are adjusted periodically for inflation. The room and board payments for waiver clients receiving assisted living services are covered in the reimbursement for these services and will be paid to providers from the client's Supplemental Security Income, less a personal needs allowance.

(10) Pre-enrollment assessment services and case management services payment rates are determined by modeling the salary for a Case Manager staff position. This rate is periodically updated for inflation.

(11) The orientation and mobility services payment rate is determined by modeling the salary for an Orientation and Mobility Specialist staff position. This rate is updated periodically for inflation.

(12) The employment readiness payment rates will initially be determined using a pro forma approach in accordance with §355.105(h) of this chapter. Once cost report data for this service are available, HHSC will calculate the methodological rate for employment readiness as a weighted median cost of the service from the most recently examined Medicaid cost report, adjusted for anticipated programmatic and staffing requirements, and inflated from the cost reporting year to the prospective rate year. The employment readiness rates will be rebased every biennium from the most recent projected cost report data. Adopted rates will be limited within available appropriations.

(13) HHSC may adjust reimbursement if new legislation, regulations, or economic factors affect costs, according to §355.109 of this chapter (relating to Adjusting Reimbursement When New Legislation, Regulations, or Economic Factors Affect Costs).

(d) The individualized skills and socialization services payment rate is equal to the individualized skills and socialization services payment rate for an individual with a Level of Need 9 in the Home and Community-based Services waiver program as specified in §355.723 of this chapter (relating to Reimbursement Methodology for Home and Community-Based Services and Texas Home Living Programs).

(e) Authority to determine reimbursement. The authority to determine reimbursement is specified in §355.101 of this chapter.

(f) Reporting of cost.

(1) Cost-reporting guidelines. If HHSC requires a cost report for any waiver service in this program, providers must follow the cost-reporting guidelines as specified in §355.105 of this chapter.

(2) Excused from submission of cost reports. If required by HHSC, a contracted provider must submit a cost report unless the provider meets one or more of the conditions in §355.105(b)(4)(D) of this chapter.

(3) Reporting and verification of allowable cost.

(A) Providers are responsible for reporting only allowable costs on the cost report, except where cost-report instructions indicate that other costs are to be reported in specific lines or sections. Only allowable cost information is used to determine recommended reimbursements. HHSC excludes from reimbursement determination any unallowable expenses included in the cost report and makes the appropriate adjustments to expenses and other information reported by providers to ensure the database reflects costs and other information

necessary for the provision of services and is consistent with federal and state regulations.

(B) Individual cost reports may not be included in the database used for reimbursement determination if:

(i) there is reasonable doubt as to the accuracy or allowability of a significant part of the information reported; or

(ii) an auditor determines that reported costs are not verifiable.

(4) Allowable and unallowable costs. Providers must follow the guidelines specified in §355.102 and §355.103 of this chapter (relating to General Principles of Allowable and Unallowable Costs and Specifications for Allowable and Unallowable Costs) in determining whether a cost is allowable or unallowable. In addition, providers must adhere to the following principles:

(A) Client room and board expenses are not allowable, except for those related to respite care.

(B) The actual cost of adaptive aids, medical supplies, dental services, and minor home modifications is not allowable for cost-reporting purposes. Allowable labor costs associated with acquiring adaptive aids, medical supplies, dental services, and home modifications should be reported in the cost report. Any item purchased for participants in this program and reimbursed through a voucher payment system is unallowable. Refer to §355.103(b)(20)(K) of this chapter.

(g) Reporting revenue. Revenues must be reported on the cost report in accordance with §355.104 of this chapter (relating to Revenues).

(h) Reviews and field audits of cost reports. Desk reviews or field audits are performed on cost reports for all contracted providers. The frequency and nature of field audits are determined by HHSC staff to ensure the fiscal integrity of the program. Desk reviews and field audits will be conducted in accordance with §355.106 of this chapter (relating to Basic Objectives and Criteria for Audit and Desk Review of Cost Reports), and providers will be notified of the results of a desk review or a field audit in accordance with §355.107 of this chapter (relating to Notification of Exclusions and Adjustments). Providers may request an informal review and, if necessary, an administrative hearing to dispute an action taken under §355.110 of this chapter (relating to Informal Reviews and Formal Appeals).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Health and Human Services Commission

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For further information, please call: (512) 867-7817



SUBCHAPTER F. REIMBURSEMENT METHODOLOGY FOR PROGRAMS SERVING PERSONS WITH MENTAL ILLNESS OR

INTELLECTUAL OR DEVELOPMENTAL DISABILITY

1 TAC §355.723, §355.725

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; and Texas Human Resources Code §32.021 and Texas Government Code §532.0051(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §532.0057(a), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for medical assistance payments under the Texas Human Resources Code Chapter 32.

§355.725. *Reimbursement Methodology for Common Waiver Services in Home and Community-based Services (HCS) and Texas Home Living (TxHmL).*

(a) Common waiver services. For in-home and out-of-home nursing services provided by a registered nurse (RN), in-home and out-of-home nursing services provided by a licensed vocational nurse (LVN), in-home and out-of-home physical therapy, in-home and out-of-home occupational therapy, speech and language pathology, behavioral support services, audiology services, dietary services, employment assistance, and supported employment, an allowable cost per unit of service is calculated for each contracted provider in accordance with §355.723 of this subchapter (relating to Reimbursement Methodology for Home and Community-Based Services (HCS) and Texas Home Living (TxHmL) Programs). This adjusted allowable cost per unit of service may be combined into an array with the allowable cost per unit of service of similar services provided by other programs in determining rates for these services in accordance with §355.502 of this chapter (relating to Reimbursement Methodology for Common Services in Home and Community-Based Services Waivers).

(b) Requisition fees. Requisition fees are reimbursements paid to the HCS and TxHmL contracted providers for their efforts in acquiring adaptive aids, medical supplies, dental services, and minor home modifications for HCS and TxHmL participants. Requisition fee reimbursement for adaptive aids, medical supplies, dental services, and minor home modifications will vary based on the actual cost of the adaptive aid, medical supply, dental service, and minor home modification. Reimbursements are determined using a method based on modeled projected expenses which are developed by using data from surveys; cost report data from similar programs; consultation with other service providers and/or professionals experienced in delivering contracted services; and/or other sources.

(c) Requisition fees unallowable costs. The actual cost of adaptive aids, medical supplies, dental services, and home modifications is not allowable for cost reporting purposes. Allowable labor costs associated with acquiring adaptive aids, medical supplies, dental services, and home modifications should be reported in the cost report. Any item purchased for participants in this program and reimbursed through a voucher payment system is unallowable. Refer to §355.103(b)(20)(K) of this chapter (relating to Specifications for Allowable and Unallowable Costs).

(d) Transition assistance services. The reimbursement for transition assistance services will be determined in accordance with §355.502(e) of this chapter.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray

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TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY

COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES

APPLICABLE TO ELECTRIC SERVICE

PROVIDERS

SUBCHAPTER D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION

16 TAC §25.98

The Public Utility Commission of Texas (commission) adopts new §25.98, relating to Permian Basin Reliability Plan Reporting Requirements and Monitor with changes to the proposed text as published in the March 7, 2025 issue of the *Texas Register* (50 TexReg 1747) and will be republished. The rule implements Public Utility Regulatory Act (PURA) §39.166 and §39.167 as enacted by House Bill (HB) 5066 during the Texas 88th Legislature, Regular Session. The rule creates reporting requirements associated with implementing the reliability plan for the Permian Basin region, establishes the responsibilities of a third-party monitor, and requires that the transmission service providers (TSPs) implementing the reliability plan for the Permian Basin region pay for the monitor. The reporting requirements created by the rule will enable the monitor to identify schedule and cost components that may impact the timely development and approval of necessary transmission service requirements. Additionally, the rule provides transparency related to costs for the projects that comprise the Permian Basin Reliability Plan (PBRP). This new section is adopted under Project Number 57602.

The commission received comments on proposed new §25.98 from: AEP Texas Inc. and Electric Transmission Texas, LLC (AEP Companies); the City of San Antonio, acting by and through the City Public Service Board (CPS Energy); LCRA Transmission Services Corporation (LCRA TSC); the Office of Public Utility Counsel (OPUC); Oncor Electric Delivery Company LLC (Oncor); South Texas Electric Cooperative, Inc. (STEC); Texas-New Mexico Power Company (TNMP); and the Texas Public Power Association (TPPA).

General Comments

Days v. working days

AEP observed that the proposed rule inconsistently uses "days" and "working days" and recommended modifying the rule to re-

place references to "days" with "working days" for consistency. Similarly, LCRA commented that the use of "days" without specifying "calendar days" or "working days" is insufficient.

Commission Response

The commission declines to adopt AEP's recommendation to replace references to "days" with "working days." The terms "days" and "working days" are intentionally used throughout the rule to differentiate between calendar days and days that the commission is open for the conduct of business. Section 22.2 of this title (relating to Definitions) defines "days" to mean calendar days, not working days, and defines "working days" to mean days on which the commission is open for the conduct of business.

Reporting on construction of facilities and county

CPS Energy recommended modifying proposed §25.98(b) and proposed §25.98(c)(3)(G) to clarify that TSPs are required to report on only those facilities that are to be constructed as part of a project, and not any previously existing facilities to which a project may interconnect. CPS Energy also recommended modifying proposed §25.98(b) and proposed §25.98(c)(3)(H) to clarify that the requirement to identify counties is limited to those counties in which facilities may be constructed.

Commission Response

The commission declines to adopt CPS Energy's recommendations to specify that TSPs must report on those facilities that are to be constructed as part of a project and the counties in which facilities may be constructed because the specifications are unnecessary. Section 25.98(b) states the requirements apply to PBRP projects. Additionally, CPS Energy's recommendation would substantively narrow the required information to facilities that will be constructed and counties in which facilities will be constructed, omitting upgraded facilities and the counties in which facilities will be upgraded.

Frequency of reporting

AEP recommended modifying the proposed rule to reduce the reporting frequency from quarterly to bi-annually because quarterly reporting is unduly burdensome to TSPs in terms of cost, time, and staffing resources, and reporting on a bi-annual basis is sufficient based on AEP's past experiences. Similarly, LCRA recommended modifying the reporting frequency from quarterly to bi-annually or annually because most of the relevant information will already be provided to the commission in the monthly construction progress report (MCPR) and, for projects requiring a certificate of convenience and necessity (CCN) amendment, in the CCN application itself.

Commission Response

The commission declines to adopt AEP and LCRA's recommendations to reduce the reporting frequency. PURA §39.166 requires the commission to develop a plan to implement the PBRP to ensure timely development and approval of necessary transmission service improvements. Due to the size and magnitude of the PBRP, streamlining the necessary information and having that information updated on a quarterly basis in a single repository for the monitor to review outweighs the benefits of reporting less frequently. Quarterly reports provide greater transparency, and more frequent reporting identifies issues earlier, which enables the monitor to inform the commission of issues in a timely manner. Moreover, the requirements in this rule that go beyond the MCPR requirements (e.g., initial implementation schedule) will assist the monitor by providing a holistic overview of the

PBRP projects. For the requirements that are similar to the MCPR, the compliance reporting portal allows for consolidated reporting to reduce the compliance burden on TSPs.

Requirement to update load forecasts

OPUC recommended modifying the proposed rule to include a subsection that requires TSPs to submit an annual update detailing changes in their projected load forecasts and requires the monitor to validate the updated forecasts to ensure accuracy and alignment with trends and conditions. According to OPUC, mandatory updates would enable the commission and ERCOT to adjust long-term planning for the PBRP through 2038. OPUC also noted that PURA §37.056(c)(1) does not preclude the commission from validating projected load forecasts.

Commission Response

The commission declines to adopt OPUC's recommendation to add a subsection that (1) requires TSPs to submit an annual update detailing changes in their projected load forecasts, and (2) requires the monitor to validate the updated forecasts because this information does not serve to assist in ensuring timely development and approval of necessary transmission service improvements consistent with PURA §39.166. Additionally, a forum already exists for evaluating the need for individual projects. The need for individual projects, including the underlying data relied on to support the need for a project, is evaluated in a CCN proceeding.

Proposed §25.98(a) - Purpose and applicability

Proposed §25.98(a) sets forth the purpose and applicability of the rule. Specifically, the proposed rule sets forth the reporting requirements for a TSP responsible for the ownership, construction, and operation of a PBRP common local project or import path (PBRP project) approved by the commission's order issued on October 7, 2025 in Project No. 55718, relating to Reliability Plan for the Permian Basin Under PURA §39.167.

CPS Energy and LCRA recommended modifying proposed §25.98(a) to specify the import paths that are approved for construction. CPS Energy recommended adding specificity by citing to the commission's order in Docket No. 57441, approving assignment of TSP ownership. LCRA recommended adding specificity related to approved import paths by citing to paragraph number four of the commission's October 7, 2024 order in Project No. 55718, approving the import paths, based on the commission's selection of 345-kilovolt (kV) or 765-kV import paths.

Oncor recommended modifying subsection (a) to explain that TSPs must report at the Upgrade ID level. Oncor also recommended modifying subsection (a) to clarify the platform or process that will be used to submit reports.

Commission Response

The commission declines to adopt CPS Energy and LCRA's recommended redline changes specifying the import paths that are approved for construction by citing to the commission's order in Docket No. 57441 or paragraph number four of the commission's October 7, 2024 order in Project No. 55718. CPS Energy's recommendation to cite to a docket that identifies the TSP owners of PBRP projects omits at least one project, the ownership of which is being decided in a separate, pending docket. On April 24, 2025, following the public comment deadline for this rulemaking project, the commission issued a second order in Project No. 55718. The commission's second order in Project No. 55718 ap-

proves the three 765-kV import paths identified in Table 7.5 of the Permian Basin Reliability Plan and terminates authorization to prepare CCN applications for the 345-kV import paths identified in Table 1 of the Reliability Plan Addendum. Therefore, to better capture the accuracy and clarity suggested by commenters, the commission moves the applicability provision to §25.98(b), renumbers the subsequent subsections accordingly, and modifies §25.98(b) to reflect that the requirements of new §25.98 are applicable to a TSP that is responsible for the ownership, construction, and operation of a PBRP project. The commission also modifies §25.98(b) to reflect that a PBRP project means: (1) a common local project approved by the commission's October 7, 2024 order in Project No. 55718, or (2) an import path approved by the commission's second order issued on April 24, 2025 in Project No. 55718.

In addition to these modifications, the commission adopts Oncor's recommendations to explain that TSPs must report at the Upgrade ID level and reports must be submitted using the commission's compliance reporting portal. The commission modifies §25.98(a) accordingly.

Proposed §25.98(b) - Initial implementation schedule requirements

Proposed §25.98(b) requires a TSP responsible for the ownership, construction, and operation of a PBRP project to file an initial implementation schedule within 30 days of an order issued by the commission and sets forth the information that TSPs are required to provide in an initial implementation schedule.

LCRA recommended deleting proposed §25.98(b) because the commission will already have the best available schedule information through other channels, such as MCPs and the Petition for Consolidated Permian Basin Reliability Plan CCN Filing Authorization in Docket No. 57441. CPS Energy recommended adding "in [Docket] 57441" after "an order issued by the commission."

Commission Response

The commission declines to adopt LCRA's recommendation to delete proposed §25.98(b), requiring TSPs to provide an initial implementation schedule. The initial implementation schedules will provide the monitor with a complete but concise overview of the PBRP in one single repository to assist the monitor in the performance of its duties. The commission declines to adopt CPS Energy's recommended redline change to specify that the initial implementation schedule is due 30 days after a commission issued order in Docket No. 57441 because it omits at least one project, the ownership of which is being decided in a separate, pending docket. In response to the comments described below, relating to the deadline to file the initial implementation schedule, the commission modifies §25.98(c) to require the initial implementation schedule be filed by July 15, 2025 or 30 days after a commission order identifying a TSP as responsible for the ownership, construction, and operation of a PBRP project, whichever is later. This modification addresses CPS Energy's recommendation.

Deadline to file

To give the TSPs sufficient time to prepare the information requested in the format prescribed by the commission, AEP, LCRA, Oncor, and STEC recommended modifying proposed §25.98(b) to modify the deadline to file an initial implementation. AEP recommended modifying the filing deadline to 30 days from the date the reporting form is available. As an alternative to its

primary recommendation to delete proposed §25.98(b), LCRA recommended modifying the deadline to the later of 30 days from a commission order assigning the TSP responsibility or 30 days from the date the commission form is developed and published. Similarly, STEC recommended modifying the deadline to the later of a commission order assigning the TSP responsibility or the date the commission form is developed and published. Oncor recommended modifying proposed §25.98(b) by the later of: (1) 60-90 days after the commission's Extra High Voltage (EHV) decision on 345-kV or 765-kV import paths, and (2) 30 days after the commission's finalization of the form it will prescribe for reporting purposes under this rule.

Commission Response

The commission agrees that TSPs should be provided additional time to prepare the information requested in the format prescribed by the commission. Commission Staff continues to engage with stakeholders in the development of the compliance reporting portal for the purpose of submitting MCPs and the PBRP reports. Commission Staff opened Project No. 57925, relating to Compliance Reporting Portal Updates, on April 4, 2025, to receive stakeholder feedback and address questions. Additionally, Commission Staff made the compliance reporting portal available for stakeholders to test beginning May 9, 2025. Accordingly, the commission modifies §25.98(c) to require TSPs to file an initial implementation schedule by the later of July 15, 2025 or 30 days after an order is issued by the commission. The July 15, 2025 deadline provides stakeholders more than 60 days to become familiar with the compliance reporting portal and prepare the information in the format prescribed by the commission before reporting is required. The requirement to report the initial implementation schedule 30 days after a commission order identifying a TSP as responsible for the ownership, construction, and operation of a PBRP project accounts for the PBRP project that is being decided in a pending docket.

Start and completion dates

As an alternative to its recommendation to delete proposed §25.98(b), LCRA recommended modifying proposed §25.98(b) to allow the submission of estimated date ranges (e.g., across calendar quarters) rather than specific dates because detailed project schedules will still be under development at the time the initial reports must be submitted.

Commission Response

The commission declines to adopt LCRA's recommendation to allow the submission of estimated date ranges. The compliance reporting portal is configured for the entry of specific dates and the TSPs are required to report estimated dates. The commission expects the estimated dates to be based on the most up-to-date information available at the time the initial implementation schedule is filed. Additionally, in response to comments described below, relating to the reporting of significant changes to a milestone, the commission modifies the reporting requirements of a significant change to be based on the information reported in the first quarterly progress report instead of the initial implementation schedule. This modification results in the initial implementation schedule being informational for the monitor rather than a basis for additional reporting.

Additional requirements

OPUC recommended modifying proposed §25.98(b) to increase transparency by requiring TSPs include information relating to (1) the estimated cost of the PBRP project, (2) an explanation of

benefits associated with the PBRP project, and (3) why the TSP selected a 765-kV import path over a 345-kV import path.

Commission Response

The commission declines to adopt OPUC's recommendations to require TSPs to report the estimated cost of the PBRP project, the benefits associated with the PBRP project, and why the TSP selected a 765-kV import path over a 345-kV import path. The estimated costs of the PBRP project will be reported in the quarterly progress reports after a CCN has been approved, or for those projects that do not require a CCN, nearer to the time that construction begins. This provides transparency, is more consistent with how costs are reported in MCPRs, and results in more accurate cost information being reported to the monitor. The appropriate voltage of a PBRP project is outside the scope of this rulemaking.

Proposed §25.98(c) - Quarterly progress report requirements

Proposed §25.98(c) requires a TSP to file a quarterly progress report by the fifteenth day of each quarter. For PBRP projects that require a CCN, the first quarterly progress report is due the first quarter following the date of a commission order approving the TSP's CCN application for the PBRP project and for PBRP projects that do not require a CCN, the first quarterly progress report is due the first quarter following the date that the TSP files an initial implementation schedule for the PBRP project. Proposed §25.98(c) also sets forth the information that a TSP is required to provide in a quarterly progress report, including the assigned docket number; the percentage of engineering and design, procurement, and construction that is completed; a summary of the PBRP project's progress; estimated costs and actual costs for specific categories associated with a PBRP project; and milestone start and completion dates. Finally, proposed §25.98(c) requires TSPs to submit the information on a form prescribed by the commission.

Deadline to file quarterly progress reports on the fifteenth day of a quarter

Oncor recommended extending the deadline to file a quarterly progress report from the fifteenth to the twentieth day of a new quarter because a deadline that falls on the same day as the deadline for filing MCPRs could prove burdensome if using different forms. Oncor asserted that adding an extra 5 days would allow TSPs more time to complete the standard processes and forms necessary to accurately report the cost estimates required by proposed §25.98(c)(4) and other data that may need to be input into separate documents or forms.

Commission Response

The commission declines to adopt Oncor's recommendation to extend the deadline to file quarterly progress reports to five days after the deadline to file MCPRs. The compliance reporting portal allows for consolidated reporting for TSPs to fulfill the requirements for MCPRs and the reports required under this rule. Therefore, the change recommended by Oncor is unnecessary.

Deadline to file the first quarterly progress report

For a project that does not require a CCN, Oncor recommended modifying proposed §25.98(c)(2) to modify the deadline to file the first quarterly progress report from 30 days after the initial implementation schedule is filed to six to 12 months before construction is estimated to begin. LCRA recommended modifying the deadline in proposed §25.98(c)(2) to 45 days or at most 6 months before construction is estimated to begin. Oncor and LCRA as-

serted that their recommended timelines would promote better quality information in the report. LCRA noted that cost estimates provided in a 2025 initial progress report are likely to be stale and bear little relationship to the actual cost of constructing a project that will not go to bid for several years, let alone commence construction. Oncor estimated that approximately two dozen of its PBRP projects that do not require a CCN would begin construction in 2027 or later. Oncor also observed that the recommended timelines would still provide the commission and other interested parties with much more advanced notice for PBRP projects than the current 45-day advance filing for MCPRs.

Commission Response

The commission agrees that better quality information based on more accurate data is preferable to stale data that bears little relationship to the actual cost of constructing a project that will not go to bid for several years. Accordingly, the commission modifies §25.98(d)(2) to require TSPs begin reporting on PBRP projects that do not require a CCN six months before construction is estimated to begin and on a quarterly basis thereafter.

PBRP project description and summary

CPS Energy recommended modifying proposed §25.98(c)(3)(B) to clarify that an assigned docket number must be reported only if one is associated with a project that requires a CCN. CPS Energy also recommended modifying proposed §25.98(c)(3)(J) through (L) by adding "estimated" in front of "percentages" to clarify that completion percentages are estimates. OPUC recommended modifying proposed §25.98(c)(3)(I) to specifically require the following information in the project summary: (1) the tasks that are necessary to complete the construction of the transmission lines and facilities, (2) time estimates for completing each task, and (3) a log of tasks and construction that have been completed.

Commission Response

The commission declines to adopt CPS Energy's recommendation to modify §25.98(d)(3)(B) to state that an assigned docket number must be reported only if one is associated with a project that requires a CCN because the modification is unnecessary. Section 25.98(d)(3) already requires that the TSP report information in subparagraphs (A) through (L) "as applicable." The commission agrees with CPS Energy's recommendation to add clarity in §25.98(d)(3)(J) through (L) by adding "estimated" in front of "percentages." The commission modifies §25.98(d)(3)(J) through (L) accordingly. The commission declines to adopt OPUC's recommendation to modify §25.98(d)(3)(I) to require TSPs report the tasks that are necessary to complete the construction of transmission line facilities, time estimates for completing each task, and a log of tasks and construction that have been completed because this information is already functionally captured by other reporting requirements. For example, §25.98(d)(4) through (5) require that each TSP report on right-of-way and land acquisition, engineering and design, material and equipment procurement, and construction of facilities (the tasks that are necessary to complete construction); §25.98(d)(5) requires reporting estimated start and completion dates (time estimates) for completing each task; and §25.98(d)(3)(J) through (L) require reporting the percentage of engineering and design, procurement, and construction that is complete to date (log of tasks and construction that have been completed).

Costs

AEP recommended deleting proposed §25.98(c)(4) because requiring costs broken down by the categories identified in proposed §25.98(c)(4) places an undue burden on TSPs in terms of cost, time, and staffing resources. In the alternative, AEP recommended only requiring reporting of baselines and current total costs spent to date consistent with reporting requirements for the Competitive Renewable Energy Zones (CREZ) program. Similarly, LCRA recommended modifying proposed §25.98(c)(4) to require a TSP report an overall project cost estimate, not broken down into the more granular cost categories in proposed §25.98(c)(4)(A) through (E). LCRA observed that it is not customary for costs to be tracked in this manner for projects that do not require a CCN amendment, and some of the categories would not apply to a CCN-exempt project. Additionally, LCRA asserted that there will be significant challenges associated with prematurely reporting cost estimates in a quarterly progress report for projects that will not be constructed for several years. Moreover, given the impacts of inflation and other market factors on engineering and construction labor, equipment, and materials, it would be misleading to compare a cost estimate generated in 2025 dollars for a project that is expected to begin in 2027, or even later.

CPS Energy recommended redline changes to add clarity to the cost reporting requirements in proposed §25.98(c)(4). Specifically, CPS Energy recommended adding "current total" in front of "cost estimates" and replacing "as costs are incurred" with "incurred as of the end of the last quarter prior to the report being filed." CPS Energy also recommended modifying proposed §25.98(c)(4)(F) to replace "the total to complete the PBRP project" with "the estimated total for the PBRP project."

Oncor recommended modifying proposed §25.98(c)(4) to include an "other" category for costs that do not fit neatly in the categories identified in §25.98(c)(4). Oncor also requested clarification as to how TSPs should apply inflation and other cost variable changes to cost estimates made in previous years. However, Oncor noted that this request is largely mitigated if its recommendation for proposed §25.98(c)(2) is adopted because the cost information will be more accurate closer to the commencement of construction.

OPUC recommended adding a qualifier to proposed §25.98(c)(4) to state that any costs that substantially deviate from the initial cost without justification and documentation will be deemed unrecoverable.

Commission Response

The commission declines to adopt AEP's recommendation to delete §25.98(d)(4), requiring TSPs to report on categories of costs associated with a PBRP project. Reports on the cost categories identified in §25.98(d)(4) provide the public and the commission with transparency on the general underlying cause for cost escalations, if any, related to a PBRP project. The commission also declines to adopt AEP's alternative recommendation to require reporting of baselines and current total costs spent to date consistent with reporting requirements for the CREZ program. A review of the commission orders in Docket Nos. 35665 and 37902 and the reports filed in Project No. 37858 demonstrate that the TSPs involved in the buildout of CREZ did file cost estimates in the proposed cost categories. For the same reasons, the commission declines to adopt LCRA's recommendation to require a TSP report an overall project cost estimate, not broken down into the more granular cost categories proposed. The commission declines to adopt CPS Energy's recommended

redline changes. However, the commission agrees that clarity should be added and therefore modifies §25.98(d)(4) to state that the current cost estimates must be reported using the most up-to-date information available during the reported quarter and the actual costs that must be reported are the costs incurred during the reported quarter.

The commission declines to adopt CPS Energy's recommendation to modify §25.98(d)(4)(F) to replace "the total to complete the PBRP project" with "the estimated total for the PBRP project" because the preceding §25.98(d)(4) already identifies that TSPs are required to report estimated and actual costs. Additionally, CPS Energy's recommendation would narrow the reporting requirement to estimated costs.

The commission declines to adopt Oncor's recommendation to add an "other" cost category. The cost categories in §25.98(d)(4) are consistent with the cost categories that must be reported in a CCN application. Moreover, the compliance reporting portal will allow TSPs to provide additional information, as needed. With respect to Oncor's request for clarification as to how TSPs should apply inflation and other cost variable changes to cost estimates made in previous years, the commission notes that Oncor acknowledged that adoption of its recommended change to §25.98(d)(2) mitigates this concern. Because the commission adopts Oncor's recommended change to §25.98(d)(2), the requested clarification in §25.98(d)(4) is unnecessary. Finally, the commission declines to adopt OPUC's recommended change to §25.98(d)(4) because a robust regulatory framework already exists for evaluating costs placed into rates and therefore, it is not necessary to address in this rulemaking.

Implementation schedule

AEP recommended modifying proposed §25.98(c)(5)(A) through (D) to eliminate the requirement to report milestone start dates. AEP reasoned that eliminating this requirement would provide TSPs with the necessary flexibility to modify start dates, which are often contingent on certain factors and may need to be adaptable to fit the overall schedule of a project.

OPUC recommended modifying proposed §25.98(c)(5) to require more detailed reporting related to delays so that adjustments can be made to project plans. Specifically, OPUC recommended that TSPs be required to identify any known and/or anticipated delays, provide an explanation of delays, including supply-chain issues, and provide supporting documentation that explains the reason for delay. In light of the magnitude of the PBRP, both in terms of scale and costs, OPUC also recommended that the rule require that the supporting documentation submitted by a TSP include: (1) an explanation indicating how the delay will or will not increase the total costs of the project, and (2) steps that the TSP will take to remedy or eliminate the identified delay to minimize an increased cost of the project.

Commission Response

The commission declines to adopt AEP's recommendation to eliminate the requirement to report milestone start dates and OPUC's recommendations to require more detailed reporting related to delays. With respect to AEP's recommendation, the requirement to report milestone start dates does not impede TSPs' ability to modify start dates because the reporting requirements do not dictate how projects are managed. Rather, the reported information is informative for the monitor overseeing completion of the PBRP.

With respect to OPUC's recommendations, the additions are unnecessary. This information is already functionally captured by other provisions of the rule. For example, §25.98(d)(5) requires TSPs to report and update the estimated start and completion dates for five categories, including energization (identification of known or anticipated delays), §25.98(e) requires TSPs to report significant changes and a detailed explanation of the reason for the significant change (explanation of delays), and §25.98(f) requires TSPs to provide responsive information to the monitor or Commission Staff if additional explanation, including supporting documentation, is needed (supporting documentation). Whether a delay will increase the total cost of the project will be reflected in the cost estimates that must be reported under §25.98(d)(4).

Form

Oncor requested clarification that the form described in proposed §25.98(c)(6) will require only the information listed in proposed §25.98(c)(3) through (5). AEP recommended modifying proposed §25.98(c)(6) to require collaboration between TSPs and the commission on development of the form to ensure it is user-friendly and seamlessly integrates with other regularly scheduled deliverables. Similarly, STEC recommended that a draft of the form be filed with sufficient time for TSPs to complete the form before the submission of quarterly progress reports.

Commission Response

The commission deletes proposed §25.98(c)(6) and instead incorporates the requirement for TSPs to submit the reports using the commission's compliance reporting portal in §25.98(d). The commission declines to adopt Oncor's recommendation to clarify only the information listed in proposed §25.98(c)(3) through (5) because it is unnecessary. Moreover, the information that must be reported under this rule is integrated into the compliance reporting portal. To facilitate collaboration with stakeholders, Commission Staff opened Project No. 57925, relating to Compliance Reporting Portal Updates, on April 4, 2025. Project No. 57925 is the appropriate forum to facilitate stakeholder feedback and address questions related to the compliance reporting portal. To further support collaboration, Commission Staff also hosted a webinar to review the compliance reporting portal with stakeholders on May 9, 2025, and has made the compliance reporting portal available for stakeholders to test beginning on May 9, 2025, more than 60 days before the first report must be submitted using the compliance reporting portal. In light of these collaborative steps that have already taken place, the commission declines to adopt AEP's recommendation to require collaboration between TSPs and the commission on development of the form. Additionally, the commission notes that STEC's recommendation has already been implemented.

Cost impact assessment

OPUC recommended adding a new proposed §25.98(c)(7) that requires TSPs to provide an assessment of the projected impact of a PBRP project on costs to consumers. To show how costs will impact rates and ensure transparency for consumers, OPUC recommended that the assessment identify cost-savings implemented by the TSP to mitigate the impact of the project on consumers and/or how much each project will lower costs for consumers.

Commission Response

The commission declines to adopt OPUC's recommendation to require TSPs to provide an assessment of the projected impact of a PBRP project on costs to consumers. The requirement in

§25.98(d)(4) for TSPs to report costs associated with categories comprising the total cost for a project provides transparency. With respect to an assessment of how project costs will impact rates, such a cost-assessment by individual TSPs would require a number of assumptions that may introduce confusion instead of transparency. For instance, as TSP commenters have related in this project, the route that is selected for a project in a CCN proceeding may impact costs and how the costs will be allocated among rate classes will not be known until: (1) a project is used and useful in providing service to the public and (2) the TSP seeks recovery of its costs in a rate proceeding. To the extent that a TSP can identify cost-savings implemented to mitigate the impact of a project on consumers and/or how much each project will lower costs for consumers, the appropriate forum for reporting and evaluating the latter is in a CCN proceeding and the appropriate forum for reporting and evaluating the former is in a rate proceeding.

Proposed §25.98(d) - Reporting significant changes

Proposed §25.98(d) requires TSPs to report significant changes to information previously reported in a TSP's initial implementation schedule for a PBRP project. Proposed §25.98(d) requires a TSP to report a significant change within 10 days of becoming aware of the significant change and defines what constitutes a significant change to include a cost variance of more than 10 percent, a change of more than 60 days to the initial estimated date to complete a milestone, a delay to the energization date of a PBRP project that is caused by the incomplete status of another PBRP project, and circumstances that pose a risk to the energization date of a PBRP project.

TNMP recommended deleting proposed §25.98(d) because the additional requirement to file supplemental significant change reports within a 10-day window will impose a significant burden on TSPs with little or no marginal benefit given that changes in estimated costs or implementation dates will already be reflected in the quarterly progress reports required under proposed §25.98(c). Alternatively, TNMP recommended modifying proposed §25.98(d) to remove ambiguity and reduce the burden imposed on TSPs. TNMP's alternative recommendation is described in more detail below.

CPS Energy, LCRA, and Oncor recommended modifying proposed §25.98(d) to impose a less subjective standard by requiring reporting after a TSP determines that a significant change is likely to occur (or has occurred) instead of when a TSP becomes aware of a significant change.

AEP, CPS Energy, LCRA, and TNMP recommended modifying proposed §25.98(d) to increase the time to report a significant change. AEP recommended increasing the time from 10 days to 30 working days; CPS Energy recommended 30 days; LCRA recommended 15 business days; and TNMP recommended 20 working days if the commission does not delete proposed §25.98(d).

Finally, CPS Energy recommended modifying proposed §25.98(d) to clarify that the list of circumstances constituting a significant change is exhaustive. To achieve this, CPS Energy recommended replacing "significant change includes" with "significant change means." CPS Energy also recommended other redline changes to make the rule flow better.

Commission Response

The commission declines to adopt TNMP's primary recommendation to delete proposed §25.98(d). The requirement to report

significant changes as they are identified serves to provide the monitor with more timely information.

The commission adopts CPS Energy, LCRA, and Oncor's recommendation to require a more objective standard requiring that a TSP report a significant change to the monitor after the TSP determines that a significant change is likely to occur (or has occurred) instead of when a TSP becomes aware of a significant change. The commission modifies §25.98(e) accordingly.

The commission declines to adopt AEP, CPS Energy, and TNMP's recommendations with respect to the timeline for reporting a significant change because of the importance of ensuring that the monitor has timely information related to significant changes. However, the commission agrees that more than 10 days is warranted for a TSP to determine whether a significant change is likely to occur or has occurred and prepare a report with a detailed explanation of the significant change. Therefore, the commission adopts LCRA's recommendation to require reporting of a significant change within 15 working days and modifies §25.98(e) accordingly.

The commission adopts CPS Energy's recommendation to clarify that the list of significant changes set forth in §25.98(e)(1) through (4) is exhaustive and modifies §25.98(e) accordingly. The commission declines to adopt CPS Energy's stylistic red-line changes.

Cost variance

AEP recommended modifying proposed §25.98(d)(1) to require reporting a cost variance of 15 percent instead of 10 percent because it is possible for a cost increase in one area of project development to be balanced out by savings in another. As an example, AEP observed that while there may be potential cost savings in right-of-way easement acquisition of a project, it is often best to wait until assessing construction bids before determining if total costs exceed a 10 percent delta threshold. Oncor requested confirmation that proposed §25.98(d)(1) refers to a cost increase greater than 10 percent in a PBRP project's total overall estimated cost at the Upgrade ID level and not increases at a more granular, line-item level, such as 10 percent in the right-of-way cost category even if the overall project does not experience a 10 percent increase.

Commission Response

The commission declines to adopt AEP's recommendation to require variance reporting for costs that exceed 15 percent instead of 10 percent. The 10 percent cost variance reporting requirement does not prevent TSPs from balancing cost increases in one category with savings in another cost category. Rather, the reporting requirement is informative so that the monitor can identify trends across PBRP projects and keep the commission apprised of significant changes to a project in a timely manner. If project costs exceed 10 percent of the initial estimate that is an important data point for the monitor to understand, particularly if the increase is driven by supply chain issues. Additionally, the 10 percent threshold is consistent with information that Commission Staff typically requests when evaluating project costs. With respect to Oncor's request for clarification, §25.98(e)(1) requires reporting an increase of more than 10 percent to the total cost estimate that was included in the TSP's initial quarterly progress report. For further clarification, the commission modifies §25.98(e)(1) to reflect that the increase to the cost estimate must be reported at the Upgrade ID level.

Reporting a change of more than 60 days

LCRA recommended modifying proposed §25.98(d)(2), relating to the requirement to report a change of more than 60 days from the initial estimated date to complete a milestone, to instead require reporting a change of more than 90 days to the energization date. LCRA asserted that the rule incorrectly characterizes the shifting of any component schedule activity as "significant" when a shift in activities like engineering and design or procurement may have no bearing on whether the project will complete on time. Oncor recommended changing the requirement to reporting a change of more than 90 days from the estimated date to complete a milestone in the TSP's schedule provided in its most recent quarterly progress report. First, Oncor noted that its intent to provide initial implementation schedules based on end of quarter dates combined with the rule's 60-day standard would likely yield quite a few filings. Secondly, Oncor noted that if a project's schedule were to be permanently shifted by more than 60 days from the initial implementation schedule, then a TSP would be put in the unintended situation where any subsequent schedule shift—even of a single day—would again trigger the "significant change" reporting requirement because the rule refers to the initial implementation schedule even if it has already been reported to be outdated. Finally, Oncor recommended modifying proposed §25.98(d)(2) to clarify whether the use of the term "milestone" in paragraph (d)(2) refers to the items specified in §25.98(b)(8) and/or §25.98(c)(5).

Commission Response

The commission declines to adopt LCRA's recommendation to change the requirement from reporting a change of 60 days in the initial estimated date to complete a milestone to reporting a change of 90 days to the energization date. A change of 60 days to complete a milestone may ultimately have an impact to the energization date and therefore is an important data point for the monitor to be aware of and closely monitor, particularly because delays in one project could have an impact to other projects. Therefore, to ensure that the monitor has a timely and complete picture, reporting a change of 60 days to a project milestone is appropriate. However, the commission modifies §25.98(e) to reflect that any significant change must be reported based on the information reported in the TSP's first quarterly progress report instead of the information reported in the TSP's initial implementation schedule. This ensures that for all projects, including those projects that do not begin development for several years, the change must be reported based on more accurate information available closer in time to when construction begins. Because delays beyond 60 days, even if only by one additional day, increasingly have the potential to impact other projects, the reporting requirement in §25.98(e)(2) should be based on a change of more than 60 days to the estimated dates provided in the first quarterly progress report instead of a change of 60 days to the estimated dates provided in the TSP's previous quarterly progress report. The commission agrees with Oncor's recommendation that once a significant change of 60 days has been reported, a TSP is not required to repeat its report of the significant change. However, the commission modifies §25.98(e)(2) to specify that for a PBRP project that the TSP has previously reported a significant change of 60 days, the TSP is required to report an additional delay of more than 15 days from the adjusted estimated date reported under this provision. The commission adopts Oncor's recommendation to clarify §25.98(e)(2) and modifies the paragraph to specify the milestones referred to are those that the TSP reported under §25.98(d)(5) in the TSP's first quarterly progress report.

Circumstances that pose a risk to the energization date

Oncor recommended modifying proposed §25.98(d)(4) to clarify that new circumstances presenting a "material" risk to the energization of a PBRP project would trigger the reporting requirement. Specifically, Oncor recommended the commission define "material risk" as a "substantial likelihood that a project's energization date may not occur or may be delayed by more than 30 days beyond the date included in the TSP's most recent quarterly progress report."

Commission Response

The commission modifies §25.98(e)(4) to incorporate Oncor's recommendations but bases the reporting requirement on the information reported in the TSP's first quarterly progress report instead of on the TSP's most recent quarterly progress report for the reasons stated above, relating to reporting a change of more than 60 days to a milestone date. Because an energization beyond 30 days, even if only by one additional day, increasingly has the potential to impact other projects, the reporting requirement in §25.98(e)(4) should be based on a change of more than 30 days to the estimated energization date provided in the first quarterly progress report instead of a change of 30 days to the estimated energization date provided in the TSP's previous quarterly progress report.

Proposed §25.98(e) - Requests for additional information

Under proposed §25.98(e), if a TSP receives a request for additional information from commission staff or the commission's monitor, the TSP must provide the requested information within 10 working days of receiving the request.

CPS Energy recommended modifying proposed §25.98(e) to increase the time to respond to a request for information from 10 to 15 working days. This additional time would allow a TSP to properly gather information and prepare a response to requests for information.

Commission Response

The commission declines to adopt CPS Energy's recommendation to increase the amount of time a TSP has to respond to requests for additional information from 10 to 15 days because it is unnecessary. §25.98(f) allows a TSP to seek an extension to the deadline based on the specific request and time needed to gather and prepare responsive information. The commission expects TSPs, commission staff, and the commission's monitor to work together in good faith to ensure the commission receives accurate information in a timely fashion.

Proposed §25.98(f) - Confidential information

Proposed §25.98(f) sets forth the requirements for filing confidential information.

AEP and CPS Energy recommended modifying proposed §25.98(f) to remove the requirement to file redacted and unredacted copies of confidential information. AEP reasoned that providing confidential information in a redacted format is unduly burdensome in terms of costs, time, and staffing resources. CPS Energy based its recommendation on simplifying and clarifying the rule. Oncor and STEC recommended modifying proposed §25.98(f) to remove the requirement to file a memorandum prescribed by the commission that specifies the reasons and legal basis for submitting the information confidentially. Oncor's recommendation was based on aligning the language with common existing practice and the terms of standard protective orders commonly issued by the commission. Similarly, STEC observed that the commission's standard protective order to

designate information as confidential and protected already requires that the legal basis supporting the protection of the information from disclosure be provided. TNMP recommended clarifying whether the commission would adopt a protective order for use by all parties or if TSPs would submit their own proposed protective order. CPS Energy recommended modifying proposed §25.98(f) to clarify what the phrase "upon signing a protective order" is intended to modify.

Commission Response

The commission declines to adopt AEP and CPS Energy's recommendations. State agencies are required to make information available to the public unless the information is made confidential by law. Requiring submission of a redacted copy is both reasonable and justified in light of the commission's obligations under state laws. The commission declines to adopt Oncor and STEC's recommendations because protective orders are specific to parties in a contested case proceeding. However, the commission modifies §25.98(g) to clarify that information submitted confidentially may be accessed by commission staff or the monitor upon signing a confidentiality agreement or as otherwise authorized by commission rule.

Proposed §25.98(g) - Monitor

Proposed §25.98(g) delegates authority to the executive director to contract with a third-party monitor and sets forth the monitor's duties, including monitoring and reviewing the required reports under this rule; communicating with TSPs, as needed to fulfill the monitor's responsibilities; requesting additional information, as needed; providing regular status updates to the commission; informing commission staff of a significant change to a PBRP project; and any other function deemed appropriate by the executive director or the executive director's designee.

Criteria to guide selection of a monitor

Oncor recommended adding criteria to help guide the executive director's choice of a PBRP monitor and specify that the monitor's duties include communicating with TSPs as they reasonably request. Specifically, Oncor recommended adding: (1) the monitor must have the qualifications needed to effectively carry out the monitoring functions prescribed by §25.98; (2) the monitor must be knowledgeable regarding the development and construction of electric transmission facilities; and (3) the monitor must be familiar with all commission rules and Texas statutes relating to the construction of electric transmission facilities and the PBRP.

Commission Response

The commission declines to add criteria to the rule to guide the executive director's selection of a PBRP monitor as recommended by Oncor. The executive director routinely enters contracts with third parties under delegated authority of the commission and does not require this type of guidance on criteria for choosing a monitor. Moreover, the position of executive director is codified in PURA §12.103, and the selection of qualified contractors is consistent with the executive director's statutory responsibilities over the operations and personnel of the commission.

Introduction to the monitor's duties

To make proposed §25.98(g) grammatically correct, CPS Energy recommended modifying the last sentence of §25.98(g) to state "The monitor shall" instead of "The monitor's duties include"

and modifying proposed §25.98(g)(6) to state "perform any other function related to the implementation of this rule"

Commission Response

The commission declines to adopt CPS Energy's recommended redline changes because the sentence is grammatically correct. Moreover, CPS Energy's recommendation would change the description of the monitor's duties to a requirement imposed on the monitor. The appropriate forum for imposing requirements on the monitor is the contract with the monitor.

TSP review of contractual terms

TNMP recommended adding language to proposed §25.98(g) that allows the TSPs to review the contractual terms for the monitor as well as any amendments to those terms since the monitor's costs will be paid for by the TSPs.

Commission Response

The commission declines to adopt TNMP's recommendation to allow TSPs to review the contractual terms for the monitor as well as any amendments to those terms because it is unnecessary. The commission already makes its contracts publicly available on its website. To the extent that TNMP's recommendation is intended to put TSPs in a position as a reviewing party to the contract, the commission notes that the executive director routinely enters into contractual arrangements on behalf of the commission as part of the executive director's duties to oversee the operations and personnel of the commission in compliance with state procurement laws. Moreover, a description of the monitor's duties and responsibilities was provided in the proposed rule to allow TSPs an opportunity to provide feedback on the services that will be contracted for. Further involvement of a regulated entity in the contractual process is neither necessary nor appropriate. The Texas Legislature has provided a robust framework for contractual requirements with which a state agency must comply.

Expansion of the monitor's duties

OPUC recommended modifying proposed §25.98(g) to expand the monitor's duties to: (1) monitor project costs and schedules, ensuring costs and delays are properly mitigated with corrective action by the TSP; (2) conduct an annual review of each PBRP project, assessing the impact on consumers focusing on cost increases, project delays, and the effectiveness of mitigation measures taken by the TSP; and (3) work in conjunction with ERCOT to validate any loads the monitor or ERCOT believes are speculative.

Commission Response

The commission declines to modify the rule to expand the monitor's duties as recommended by OPUC. The TSPs are best situated to manage their projects. Moreover, processes already exist to evaluate the need for a project and TSPs' project management decisions. The need for projects will be evaluated in CCN proceedings and TSPs' project management decisions will be evaluated in rate proceedings.

Two-way communication

Oncor recommended modifying proposed §25.98(g) to specify that the monitor's duties include communicating with TSPs as they reasonably request.

Commission Response

The commission agrees that two-way communication between the monitor and TSPs is essential. However, the commission declines to adopt Oncor's recommendation to specify that the monitor's duties include communicating with TSPs as they reasonably request because it is not necessary. Section 25.98(h)(2) already states that the monitor's duties include communicating with TSPs as needed to fulfill the monitor's responsibilities. This includes communications initiated by a TSP.

Requests for additional information

STEC recommended modifying proposed §25.98(g)(3) to clarify that the monitor is only allowed to request additional information directly related to a TSP's designated PBRP project, and only if such information is necessary for the monitor to meet its obligations under the proposed rule. Alternatively, STEC recommended modifying proposed §25.98(g)(3) to expressly identify and list specific and limited types of information that may be requested by commission staff and/or the commission's monitor under proposed §25.98(g).

Commission Response

The commission adopts STEC's primary recommendation to clarify that the monitor is only allowed to request additional information directly related to a TSP's designated PBRP project and modifies §25.98(h)(3) accordingly.

Other functions deemed appropriate by the Executive Director

STEC recommended deleting proposed §25.98(g)(6). Alternatively, STEC recommended limiting the actions of the monitor to its review of the progress of the PBRP projects.

Commission Response

The commission adopts STEC's recommendation to modify §25.98(h)(6) such that the monitor's duties include any other function deemed appropriate by the executive director or designee to oversee the completion of the PBRP.

Proposed §25.98(h) - Monitor cost assignment and apportionment

Proposed §25.98(h) relates to payment of the monitor's costs and apportionment of those costs.

TNMP recommended modifying proposed §25.98(h) to allow TSPs to review and correct any costs assigned or invoiced to that TSP.

LCRA and TPPA urged the commission to ensure that a transparent and collaborative process is used to develop a clear methodology for apportioning costs and to ensure the costs of the monitor can be verified by those paying for the monitor.

OPUC recommended modifying proposed §25.98(h)(2) through (3) to require that the monitor's costs be apportioned based on the level of demand for the transmission expansion across customer classes and to authorize TSPs to seek recovery on the amounts paid for the monitor only if such costs are found to be just and reasonable and apportioned relative to the level of causation for transmission expansion. OPUC reasoned that it would be fundamentally unfair for residential and small commercial consumers to bear the cost of a large-scale transmission buildout to support these operations given that they are not the impetus behind the transmission buildout and associated costs, nor do they share the same mechanisms to limit their exposure to costs.

CPS Energy recommended modifying proposed §25.98(h)(3) to state the amounts paid by a TSP are recoverable instead of stating that TSPs may seek recovery of the amounts paid. CPS Energy did not explain the basis for its recommendation.

Commission Response

The commission declines to adopt TNMP's recommendation to allow TSPs to review and correct invoiced costs assigned to the TSP. However, the commission modifies §25.98(i) in response to TNMP, LCRA, and TPPA's comments to increase transparency related to the assignment and apportionment of monitor costs. The commission declines to adopt OPUC's recommendation to apportion costs based on the level of demand for the transmission expansion across customer classes and to limit cost recovery to costs found to be just and reasonable and apportioned relative to the level of causation for transmission expansion because the modification is unnecessary. Costs passed on to consumers will be evaluated and allocated among TSPs' rate classes based on evidence presented in a rate proceeding. The commission declines to adopt CPS Energy's recommended redline changes to replace authorization for TSPs to seek recovery of the amounts paid with a statement that the amounts paid by a TSP are recoverable because the redline changes are unnecessary.

In adopting this section, the commission makes other minor modifications for the purpose of clarifying its intent.

This section is adopted under the following provisions of PURA: §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §14.003, which authorizes the commission to require a public utility to report to the commission information relating to the utility, establish the form for a report, and determine the time and frequency for a report; §14.151, which authorizes the commission to prescribe any form, record, and memorandum to be kept by a public utility, including a municipally owned utility, that the commission considers necessary to carry out Title II, Texas Utilities Code; §39.166, which requires the commission to develop a plan to implement each reliability plan adopted under §39.166(a); and §39.167, which requires the commission to direct the Electric Reliability Council of Texas, Inc. (ERCOT) to develop a reliability plan under PURA §39.166 for the Permian Basin region.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.001; 14.002; 14.003; 14.151; 39.166; and 39.167.

§25.98. *Permian Basin Reliability Plan Reporting Requirements and Monitor.*

(a) Purpose. This section sets forth the requirements for a transmission service provider (TSP) to report information to the commission using the commission's compliance reporting portal and establishes the duties of the commission's monitor to oversee the completion of the PBRP.

(b) Applicability. This section applies to a TSP that is responsible for the ownership, construction, and operation of a Permian Basin Reliability Plan (PBRP) project. The requirements in this section apply to PBRP projects at the Upgrade ID level and are in addition to the reporting requirements set forth in §25.83 of this title (relating to Transmission Construction Reports). A PBRP project means:

(1) a common local project approved by the commission's order issued on October 7, 2024, in Project No. 55718, relating to Reliability Plan for the Permian Basin Under PURA §39.167, or

(2) an import path approved by the commission's second order issued on April 24, 2025, in Project No. 55718.

(c) Initial implementation schedule requirements. Using the commission's compliance reporting portal, the TSP must file an initial implementation schedule by July 15, 2025 or 30 days after a commission order identifying a TSP as responsible for the ownership, construction, and operation of a PBRP project, whichever is later. The implementation schedule must identify the following information:

- (1) name of the PBRP project;
- (2) PBRP project ID, as identified in the ERCOT Permian Basin Reliability Plan Study Report;
- (3) upgrade ID;
- (4) transmission upgrade;
- (5) voltage;
- (6) facilities;
- (7) counties affected;
- (8) the initial estimated start and completion dates for each of the following milestones, as applicable:

- (A) CCN application,
 - (B) right-of-way and land acquisition,
 - (C) engineering and design,
 - (D) materials and equipment procurement, and
 - (E) construction of facilities; and
- (9) the initial estimated energization date of the PBRP project.

(d) Quarterly progress report requirements. The first of January, April, July, and October is the start of a new quarter. Using the commission's compliance reporting portal, the TSP must file, by the fifteenth day of each new quarter, a report with the commission in accordance with this subsection, detailing each PBRP project's progress during the previous quarter, through energization of the PBRP project.

(1) PBRP projects that require a certificate of convenience and necessity (CCN). For each PBRP project that requires a CCN, a TSP must file a quarterly progress report with the commission beginning the fifteenth day of a new quarter following the date of a commission order approving the TSP's CCN application for the PBRP project and quarterly thereafter.

(2) PBRP projects that do not require a CCN. For each PBRP project that does not require a CCN, a TSP must file a quarterly progress report with the commission six months before construction is scheduled to begin and on a quarterly basis thereafter.

(3) PBRP project description and summary. For each PBRP project, a TSP must provide a description and summary of the PBRP project in its quarterly progress report that identifies the following, as applicable:

- (A) name of the PBRP project;
- (B) assigned docket number that is associated with the TSP's CCN application for the PBRP project;
- (C) PBRP project ID, as identified in the ERCOT Permian Basin Reliability Plan Study Report;

- (D) upgrade ID;
- (E) transmission upgrade;
- (F) voltage;
- (G) facilities;
- (H) counties affected;
- (I) a brief summary of the PBRP project progress to date;
- (J) the estimated percentage of engineering and design that is complete to date;
- (K) the estimated percentage of procurement that is complete to date; and
- (L) the estimated percentage of construction that is complete to date.

(4) Costs. For each PBRP project, a TSP must identify in its quarterly progress report current cost estimates using the most up-to-date information available during the reported quarter and actual costs incurred during the reported quarter for each of the following, as applicable:

- (A) CCN acquisition;
- (B) right-of-way and land acquisition;
- (C) engineering and design;
- (D) material and equipment procurement;
- (E) construction of facilities; and
- (F) the total to complete the PBRP project.

(5) Implementation schedule. For each PBRP project, a TSP must identify in its quarterly progress report estimated dates, using the most up-to-date information available, and actual dates for each of the following milestones, as applicable:

- (A) start and completion of right-of-way and land acquisition;
- (B) start and completion of engineering and design;
- (C) start and completion of materials and equipment procurement;
- (D) start and completion of construction of facilities; and
- (E) PBRP project energization.

(e) Reporting significant changes. Fifteen working days after a TSP determines that a significant change to the information provided in the TSP's first quarterly progress report for a PBRP project is likely to occur or has occurred, the TSP must provide a detailed explanation of the reasons for the significant change and report that information to the commission's monitor in writing. A significant change means:

- (1) an increase of more than 10 percent to the total cost estimate at the Upgrade ID level;
- (2) an initial change of more than 60 days to the estimated date to complete a milestone under subsection (d)(5) of this section or for a project that the TSP has previously reported a significant change of more than 60 days, an additional change of more than 15 days from an adjusted estimated date reported under this paragraph;
- (3) a delay to the TSP's energization date of a PBRP project that is caused by the incomplete status of another PBRP project; or

(4) new circumstances that pose a material risk to the energization date of a PBRP project, such that there is a substantial likelihood that a project's energization date will not occur or will be delayed by more than 30 days.

(f) Requests for additional information. Within 10 working days of receiving a request from commission staff or the commission's monitor for additional information relating to the progress or implementation of a PBRP project, a TSP must provide responsive information to the requestor, including applicable supporting documentation. A TSP may seek, and the requestor may agree to, an extension to the deadline for a TSP to provide responsive information.

(g) Confidential information. Information that is submitted confidentially must be included in a redacted and unredacted form. The redacted form must be redacted only to the minimum extent necessary to ensure confidentiality. The unredacted form must include a memorandum prescribed by the commission that specifies the reasons and legal basis for submitting the information confidentially. Information submitted confidentially may be accessed by commission staff or the monitor upon signing a confidentiality agreement or as otherwise authorized by applicable commission rules.

(h) Monitor. The commission delegates authority to the executive director to award, negotiate pricing and performance requirements, and execute and administer a contract for a third-party monitor for the PBRP. Before commencing its duties, the monitor must sign a confidentiality agreement to access confidential information submitted by a TSP under this section. The monitor's duties include:

- (1) monitoring and reviewing the reports that TSPs are required to file under this section;
- (2) communicating with TSPs as needed to fulfill the monitor's responsibilities under this section;
- (3) requesting additional information directly related to a TSP's designated PBRP project, as needed;
- (4) providing regular status updates to the commission;
- (5) informing commission staff of a significant change to a PBRP project; and
- (6) any other function deemed appropriate by the executive director or the executive director's designee to oversee completion of the PBRP.

(i) Monitor cost assignment and apportionment. A TSP identified through a commission order as responsible for the ownership, construction, and operation of a PBRP project must pay the invoiced costs approved by the executive director or the executive director's designee for the monitor.

(1) The funding of the monitor must be sufficient to ensure the selection of a monitor in accordance with the scope and activities set forth in subsection (h) of this section.

(2) The executive director or executive director's designee will determine a monthly cost to invoice each TSP based on the factors that include:

- (A) the total number of PBRP projects;
- (B) the total number of PBRP projects that each TSP is responsible for owning, constructing, and operating; and
- (C) the monthly costs of the monitor to perform the duties described in subsection (h) of this section.

(3) A TSP may seek recovery of the amounts paid under this paragraph as part of the overall PBRP project costs.

(j) Agency record. Notwithstanding any other commission rule, the official agency record for filings under this section is the compliance reporting portal.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 6, 2025.

TRD-202501941

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Effective date: June 26, 2025

Proposal publication date: March 7, 2025

For further information, please call: (512) 936-7322





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 Review

Credit Union Department

Title 7, Part 6

Chapter 91, Subchapter A, concerning General Rules, consisting of §§91.101, (Definitions and Interpretations), 91.103 (Public Notice of Department Decisions), 91.104 (Public Notice and Comment on Certain Applications), 91.105 (Acceptance of Other Application Forms), 91.110 (Protest Procedures for Applications), 91.115 (Safety at Unmanned Teller Machines), 91.120 (Posting of Notice Regarding Certain Loan Agreements), 91.121 (Complaint Notices and Procedures), and 91.125 (Accuracy of Advertising).

Chapter 91, Subchapter B, Organization Procedures, consisting of §§91.201 (Incorporation Procedures), 91.202 (Bylaw and Articles of Incorporation Amendments), 91.203 (Share and Deposit Insurance Requirements), 91.205 (Use of Credit Union Name), 91.206 (Underserved Area Credit Unions- Secondary Capital Accounts), 91.208 (Notice of Known or Suspected Criminal Violations), and 91.210 (Foreign Credit Unions).

Chapter 91, Subchapter J, Changes in Corporate Status, consisting of §§91.1003 (Mergers/Consolidations), 91.1005 (Conversion to a Texas Credit Union), 91.1006 (Conversions to a Federal or Out-of-State Credit Unions), 91.1007 (Conversion to a Mutual Savings Institution), 91.1008 (Conversion Voting Procedures and Restrictions; Filing Requirements) and 91.1010 (Voluntary Liquidation).

Chapter 91, Subchapter L, Submission of Comments by Interested Parties, consisting of §91.3001 (Opportunity to Submit Comments on Certain Applications), and 91.3002 (Conduct of Meetings to Receive Comments).

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission believes that the reasons for adopting the rules contained in these chapters continue to exist. The commission will accept written comments received on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting these rules continue to exist. The commission also invites comments on how to make these rules easier to understand. For example:

Does the rule organize the material to suit your needs? If not, how could the material be better organized?

Does the rule clearly state the requirements? If not, how could the rule be more clearly stated?

Does the rule contain technical language or jargon that is not clear? If so, what language requires clarification?

Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand? If so, what changes to the format would make the rule easier to understand?

Would more (but shorter) sections be better in any of the rules? If so, what sections should be changed?

Each rule will also be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current procedures of the Credit Union Department.

Any questions or written comments pertaining to this notice should be directed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699, or by email to [cudmail@cud.texas.gov](mailto:cudmail@ cud.texas.gov). Any proposed amendments as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for an additional 31-day public comment period prior to final adoption or repeal by the commission.

TRD-202501942

Michael S. Riepen

Commissioner

Credit Union Department

Filed: June 6, 2025

Adopted Rule Reviews

Texas State Library and Archives Commission

Title 13, Part 1

The Texas State Library and Archives Commission (commission) adopts the review of Texas Administrative Code, Title 13, Part 1, Chapter 6, concerning State Records, in accordance with Texas Government Code §2001.039.

The commission published its Notice of Intent to Review these rules in the February 21, 2025, issue of the *Texas Register* (50 TexReg 1037). The commission received no comments on the proposed rule review.

As a result of the review, the commission finds that the reasons for initially adopting the rules continue to exist and readopts Chapter 6 in accordance with the requirements of Government Code, §2001.039. However, during the review the commission identified multiple amendments, minor reorganization, and the repeal of one section that are necessary. Therefore, the commission anticipates consideration of proposed amendments and repeal(s) identified as necessary during the rule review at its August 2025 commission meeting.

TRD-202501970

Sarah Swanson
General Counsel
Texas State Library and Archives Commission
Filed: June 10, 2025



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 266, Medicaid Hospice Program

Notice of the review of this chapter was published in the April 11, 2025, issue of the *Texas Register* (50 TexReg 2441). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 266 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 266. Any amendments, if applicable, to Chapter 266 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 266 as required by Texas Government Code §2001.039.

TRD-202501956

Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: June 10, 2025



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 272, Transition Assistance Services

Notice of the review of this chapter was published in the April 11, 2025, issue of the *Texas Register* (50 TexReg 2441). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 272 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 272. Any amendments, if applicable, to Chapter 272 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 272 as required by Texas Government Code §2001.039.

TRD-202501959

Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: June 10, 2025



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Central Texas Regional Mobility Authority

Request for Proposal for Enterprise Resource Planning (ERP)
Project Management

Responses Due:

Monday, July 7, 2025, 4:00 p.m. C.T.

Submit Responses to:

Finance Department

financeprocurement@ctrma.org

Enterprise Resource Planning (ERP) Project Management

Central Texas Regional Mobility Authority

3300 N IH-35, Suite 300

Austin, Texas 78705

The Central Texas Regional Mobility Authority (the "Mobility Authority"), a political subdivision of the State of Texas, is soliciting statements of interest and qualifications from professional accounting firms to serve as external auditors for financial statements produced by the Mobility Authority.

Central Texas Regional Mobility Authority (CTRMA) recognizes the need to modernize its technological architecture and optimize business processes through the implementation of a best-in-class ERP solution that can be adapted to meet CTRMA's requirements. CTRMA will embark on a structured exercise to evaluate, select, and plan for a modern ERP software solution to meet CTRMA's future state needs.

This Request for Proposal (RFP) is being issued to establish a contract with an Enterprise Resource Planning (ERP) Project Manager.

TRD-202501929

Ann Zigmond

Controller

Central Texas Regional Mobility Authority

Filed: June 4, 2025



Comptroller of Public Accounts

Local Sales Tax Rate Changes Effective July 1, 2025

The additional 1/2 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 505 of the Texas Local Government Code, Type B Corporations (4B) will be reduced to 1/4 percent effective June 30, 2025 in the city listed below. There will be no change in the local rate or total rate.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Forney (Kaufman Co)	2129051	.020000	.082500

An additional 1/2 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 504 of the Texas Local Government Code, Type A Corporations (4A) will become effective July 1, 2025 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Rankin (Upton Co)	2231010	.020000	.082500

The additional 1/8 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 504 of the Texas Local Government Code, Type A Corporations (4A) will be abolished effective June 30, 2025 and the additional 1/8 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 505 of the Texas Local Government Code, Type B Corporations (4B) will be increased to 1/4 percent effective July 1, 2025 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Anson (Jones Co)	2127026	.020000	.082500

A 1/4 percent special purpose district sales and use tax will become effective July 1, 2025 in the special purpose district listed below.

SPD NAME	LOCAL CODE	NEW RATE	DESCRIPTION
Forney Crime Control and Prevention District	5129612	.002500	SEE NOTE 1

A 1 1/2 percent special purpose district sales and use tax will become effective July 1, 2025 in the special purpose district listed below.

SPD NAME	LOCAL CODE	NEW RATE	DESCRIPTION
Nueces-Jim Wells Emergency Services District No. 5	5178523	.015000	SEE NOTE 2

The combined area has been created to administer the local sales and use tax between overlapping local jurisdictions as permitted under Chapter 321 of the Texas Tax Code, effective July 1, 2025 in the entities listed below.

COMBINED AREA NAME	LOCAL CODE	NEW RATE	DESCRIPTION
Buda/Travis County Emergency Services District No. 5-A	6227061	.020000	SEE NOTE 3
Coupland/Williamson County Emergency Services District No. 10-A	6246692	.020000	SEE NOTE 4

NOTE 1: The boundaries of the Forney Crime Control District are the same boundaries as the city of Forney.

NOTE 2: The Nueces-Jim Wells County Emergency Services District No. 5 is located in the western portion of Nueces County and the eastern portion of Jim Wells County, which has a county sales and use tax. The district excludes the city of Agua Dulce for sales tax purposes. The Nueces County portion of the district overlaps the Corpus Christi MTA, which has a transit sales and use tax. The unincorporated areas of Nueces and Jim Wells counties in ZIP Codes 78330 and 78332 are partially located in the district. Contact the district representative at 361-701-1292 for additional boundary information.

NOTE 3: The Buda/Travis County Emergency Services District No. 5-A combined area is the area within the Travis County Emergency Services District No. 1 annexed by the city of Buda on or after January 21, 2025.

NOTE 4: The Coupland/Williamson County Emergency Services District No. 10-A combined area is the area within the Williamson County Emergency Services District No. 1 annexed by the city of Coupland on or after January 21, 2025.

NOTE 5: The Houston/Fort Bend County Assistance District No. 4 combined area is the area within the Fort Bend County Assistance District No. 4 annexed by the city of Houston on or after December 6, 2023.

TRD-202501964
Jenny Burleson
Director, Tax Policy
Comptroller of Public Accounts
Filed: June 10, 2025



Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/16/25 - 06/22/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/16/25 - 06/22/25 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202501969
Leslie Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: June 10, 2025



Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on

the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 22, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **July 22, 2025**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: 32SII, LLC dba Chipper Point Apartments; DOCKET NUMBER: 2023-1224-PWS-E; IDENTIFIER: RN105068431; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(E)(i) and

Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a well capacity of one gallon per minute per connection; 30 TAC §290.45(b)(1)(E)(ii) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of 50 gallons per connection; 30 TAC §290.46(f)(2) and (3)(A)(iii), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's pressure tank annually; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$6,159; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(2) COMPANY: A L HELMCAMP INCORPORATED; DOCKET NUMBER: 2024-1748-WR-E; IDENTIFIER: RN112005830; LOCATION: Blum, Hill County; TYPE OF FACILITY: operator; RULES VIOLATED: 30 TAC §297.11 and TWC, §11.081 and §11.121, by failing to obtain authorization prior to diverting, storing, impounding, taking, or using state water, or beginning construction of any work designed for the storage, taking, or diversion of water; PENALTY: \$350; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: API INDUSTRIES INCORPORATED; DOCKET NUMBER: 2025-0054-WQ-E; IDENTIFIER: RN100643725; LOCATION: Sulphur Springs, Hopkins County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit for stormwater discharges; PENALTY: \$875; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(4) COMPANY: Applewhite Cattle Co LLC; DOCKET NUMBER: 2024-1756-WQ-E; IDENTIFIER: RN109804856; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §342.25(b), by failing to register the site as an APO no later than the tenth business day before the beginning date of regulated activities; and 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities; PENALTY: \$6,875; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(5) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1591-MLM-E; IDENTIFIER: RN101284230; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; and 30 TAC §291.93(3)(A) and TWC, §13.139(d), by failing to provide a written planning report for a utility possessing a Certificate of Convenience and Necessity that has reached or exceeded 85% of all or part of its capacity; PENALTY: \$1,215; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1768-PWS-E; IDENTIFIER: RN102689163; LOCATION: Ingram, Kerr County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(D)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide two or more wells having a total capacity of 0.6 gallons per minute per connection;

PENALTY: \$1,800; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(7) COMPANY: Buckeye Texas Hub LLC; DOCKET NUMBER: 2023-1138-AIR-E; IDENTIFIER: RN103914974; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum storage terminal; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), New Source Review (NSR) Permit Numbers 106594, PSDTX1324M2, and GHGPS-DTX185, Special Conditions (SC) Number 25, Federal Ordering Permit (FOP) Number O3622, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 13, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain records for the vacuum truck operations to support planned maintenance, startup, and shutdown activities at the site; and 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 106594, PSDTX1342M2, and GHGPS-DTX185, SC Number 14.D, FOP Number O3622, GTC and STC Number 13, and THSC, §382.085(b), by failing to conduct audio, olfactory, and visual checks for leaks within the first hour of loading and once every eight hours thereafter for on-shore equipment and on board the ship; PENALTY: \$10,686; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Callon (Permian) LLC; DOCKET NUMBER: 2024-1183-AIR-E; IDENTIFIER: RN109768622; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: condensate and natural gas processing site; RULES VIOLATED: 30 TAC §116.115(c) and §116.615(9), Standard Permit Registration Number 146615, Air Quality Standard Permit for Oil and Gas Handling and Production Facilities, Special Conditions Numbers (e)(1) and (g), and Texas Health and Safety Code, §382.085(b), by failing to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal site operations; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: Chevron Phillips Chemical Company LP; DOCKET NUMBER: 2023-1243-AIR-E; IDENTIFIER: RN100209857; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 21101 and PSDTX1248, Special Conditions Number 1, Federal Operating Permit Number O1235, General Terms and Conditions and Special Terms and Conditions Number 23, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$6,562; ENFORCEMENT COORDINATOR: Caleb Martin, (512) 239-2091; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: City of Cuney; DOCKET NUMBER: 2023-0548-PWS-E; IDENTIFIER: RN101282804; LOCATION: Cuney, Cherokee County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system at all times; and 30 TAC §290.46(e)(4)(A) and THSC, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid Class D or higher license issued by the Executive Director; PENALTY: \$1,635; ENFORCEMENT COORDINA-

TOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(11) COMPANY: Comanche County Water Supply Corporation; DOCKET NUMBER: 2024-1340-PWS-E; IDENTIFIER: RN102675337; LOCATION: Comanche, Comanche County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(d) and §290.46(r), by failing to provide a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting; 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of chloramine throughout the distribution system at all times; 30 TAC §290.46(e) and THSC, §341.033(a), by failing to use a water works operator who holds an applicable, valid license issued by the executive director (ED); 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; and 30 TAC §290.46(q)(1), by failing to provide a copy of the boil water notice (BWN) to the ED within 24 hours after issuance by the facility and a signed Certificate of Delivery to the ED within ten days after issuance of the BWN; PENALTY: \$2,221; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(12) COMPANY: Fuller Excavation and Sitework, LLC; DOCKET NUMBER: 2021-1346-EAQ-E; IDENTIFIER: RN111301065; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: aboveground storage tank facility; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(13) COMPANY: GOLD CREEK HOMES and DEVELOPMENT; DOCKET NUMBER: 2025-0067-WQ-E; IDENTIFIER: RN112065941; LOCATION: Aledo, Parker County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$875; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(14) COMPANY: Kaneka North America LLC; DOCKET NUMBER: 2022-1167-AIR-E; IDENTIFIER: RN100218841; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: plastics material and resin manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 9092, Special Conditions Number 1, Federal Operating Permit Number O3528, General Terms and Conditions and Special Terms and Conditions Number 14, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$19,050; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$9,525; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(15) COMPANY: LaPorte Rail and Terminal, LLC; DOCKET NUMBER: 2023-0144-AIR-E; IDENTIFIER: RN100225085; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical plant; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(1) and (2), Federal Operating Permit (FOP) Number O1907, General Terms and Conditions (GTC) and Special Terms and Conditions Number 10, and Texas Health and Safety Code (THSC), §382.085(b), by failing

to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance and failing to submit a permit compliance certification within 30 days of any certification period; and 30 TAC §122.143(4) and (15) and §122.165(a)(8), FOP Number O1907, GTC, and THSC, §382.085(b), by failing to include a signed certification of accuracy and completeness; PENALTY: \$17,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$7,000; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(16) COMPANY: Laredo Holdings Investments, LLC; DOCKET NUMBER: 2024-0643-MLM-E; IDENTIFIER: RN110827730; LOCATION: Encinal, Webb County; TYPE OF FACILITY: wastewater collection system; RULES VIOLATED: 30 TAC §290.44(h)(1)(A), by failing to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly, as identified in 30 TAC §290.47(f); 30 TAC §305.1(b)(2) and §305.42(a) and Agreed Order Docket Number 2022-0337-MWD-E, Ordering Provision Number 2.b, by failing to obtain authorization to discharge wastewater into or adjacent to any water in the state; 30 TAC §327.32(b) and TWC, §26.039(b), by failing to report an unauthorized discharge to the Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance; and TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$86,001; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(17) COMPANY: LowCul Holdings, LLC dba Mint Dry Clean City; DOCKET NUMBER: 2024-1886-DCL-E; IDENTIFIER: RN106577893; LOCATION: Farmers Branch, Dallas County; TYPE OF FACILITY: dry cleaning facility; RULES VIOLATED: 30 TAC §337.10(b), by failing to provide a written notice to the TCEQ of any changes or additional information concerning the facility; 30 TAC §337.11(e) and Texas Health and Safety Code (THSC), §374.102, by failing to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility; 30 TAC §337.14(a) and TWC, §5.702, by failing to pay outstanding dry cleaner fees for TCEQ Financial Account Number 24008014 for fiscal years 2023 and 2024; 30 TAC §337.20(e)(3)(A) and (6), by failing to install a dike or other secondary containment structure around each storage area for dry cleaning waste, dry cleaning solvent, and dry cleaning wastewater; and 30 TAC §337.70(a) and (b) and §337.72(1) and (2), by failing to maintain dry cleaner records for a minimum of five years and make them available for examination; PENALTY: \$3,871; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(18) COMPANY: Mario Puente and Deborah Ann Cervantes; DOCKET NUMBER: 2024-0910-MLM-E; IDENTIFIER: RN111822862; LOCATION: Pipe Creek, Bandera County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULES VIOLATED: 30 TAC §111.201 and Texas Health and Safety Code (THSC), §382.085(b), by failing to not cause, suffer, allow, or permit outdoor burning with the State of Texas; and 30 TAC §330.15(a) and (c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of MSW; PENALTY: \$7,530; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(19) COMPANY: MIKE MOLLO CUSTOM HOMES LLC; DOCKET NUMBER: 2025-0408-WQ-E; IDENTIFIER: RN112042593; LOCATION: Bartonville, Denton County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$875; ENFORCEMENT COORDINATOR: Alejandra Basave, (512) 239-4168; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(20) COMPANY: Nancy Nelson dba EZ Mart 4383; DOCKET NUMBER: 2023-0882-PWS-E; IDENTIFIER: RN111615795; LOCATION: Pipe Creek, Bandera County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e) and (h)(1) and Texas Health and Safety Code, §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply; and 30 TAC §290.41(c)(3)(A), by failing to submit a well completion data for review and approval prior to placing the facility's public drinking water well into service; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(21) COMPANY: NORTH TEXAS CONTRACTING, INCORPORATED; DOCKET NUMBER: 2025-0050-MSW-E; IDENTIFIER: RN105945570; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: general contracting facility; RULE VIOLATED: 30 TAC §330.15(a) and (c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; PENALTY: \$2,438; ENFORCEMENT COORDINATOR: Leah Johns, (512) 239-0454; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(22) COMPANY: OCCIDENTAL PERMIAN LTD.; DOCKET NUMBER: 2022-1645-PWS-E; IDENTIFIER: RN102205119; LOCATION: Sundown, Hockley County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.107(f)(1) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to comply with the maximum contaminant level of 0.005 milligrams per liter for benzene based on the running annual average; and 30 TAC §290.117(e)(2), (h), and (i)(3), by failing to conduct water quality parameter sampling at each of the facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2022 - June 30, 2022, monitoring period; PENALTY: \$2,645; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(23) COMPANY: OCI Beaumont LLC; DOCKET NUMBER: 2022-1611-AIR-E; IDENTIFIER: RN102559291; LOCATION: Nederland, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review (NSR) Permit Numbers 901 and PSDTX1334, Special Conditions (SC) Number 1, Federal Operating Permit (FOP) Number O1645, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 16, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rates; 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 901 and PSDTX1334, SC Number 1, FOP Number O1645, GTC and STC Number 16, and THSC, §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §122.143(4) and (15) and §122.165(a)(8), FOP Number O1645, GTC, and THSC, §382.085(b), by failing to include a signed certification of accuracy and completeness; PENALTY: \$66,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$33,375; ENFORCEMENT COOR-

DINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(24) COMPANY: Pedro Vazquez dba Fairview Gardens MHP; DOCKET NUMBER: 2024-0356-PWS-E; IDENTIFIER: RN101238517; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(E)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a well capacity of 1.0 gallons per minute per connection; and 30 TAC §290.46(n)(1) and TCEQ Agreed Order Docket Number 2018-1550-PWS-E, Ordering Provision Number 2.c.i, by failing to maintain at the facility accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; PENALTY: \$28,600; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(25) COMPANY: ROUGH CANYON CONDOS OWNERS ASSOCIATION; DOCKET NUMBER: 2024-1328-PWS-E; IDENTIFIER: RN101452266; LOCATION: Del Rio, Val Verde County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement covering land within 150 feet of the facility's well; 30 TAC §290.41(c)(3)(K), by failing to provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion resistant screen, facing downward, elevated and located as to minimize the drawing of contaminants into the well; 30 TAC §§290.41(c)(3)(O), 290.42(m), and 290.43(e), by failing to provide an intruder-resistant fence or well house around each treatment plant, well unit, potable water storage tanks, pressure maintenance facilities, and related appurtenances that remains locked during periods of darkness and when the facility is unattended; 30 TAC §290.42(j), by failing to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation Standard 60 for Drinking Water Chemicals; and 30 TAC §290.43(d)(2), by failing to provide the facility's two pressure tanks with a pressure release device; PENALTY: \$2,735; ENFORCEMENT COORDINATOR: Ilia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(26) COMPANY: SEMINOLE BUTANE COMPANY, INCORPORATED; DOCKET NUMBER: 2024-1276-PST-E; IDENTIFIER: RN101821304; LOCATION: Seminole, Gaines County; TYPE OF FACILITY: common carrier; RULES VIOLATED: 30 TAC §334.5(b)(1)(A) and TWC, §26.3467(d), by failing to make available a valid, current TCEQ delivery certificate before depositing a regulated substance into a regulated underground storage tank system; PENALTY: \$24,992; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(27) COMPANY: Sovereign Pharmaceuticals, LLC; DOCKET NUMBER: 2023-1767-IHW-E; IDENTIFIER: RN111823639; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: pharmaceutical storage warehouse; RULE VIOLATED: 30 TAC §335.2(a) and (b), by failing to obtain authorization to store industrial and hazardous waste; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(28) COMPANY: T7 Enterprises LLC; DOCKET NUMBER: 2024-0040-MSW-E; IDENTIFIER: RN111477857; LOCATION: Robstown, Nueces County; TYPE OF FACILITY: unregistered scrap tire storage site; RULES VIOLATED: 30 TAC §328.56(d)(2) and §328.60(a) and Texas Health and Safety Code, §361.112(a), by failing

to obtain a scrap tire storage site registration for the site, prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers; PENALTY: \$15,000; ENFORCEMENT COORDINATOR: Eunice Adegele, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(29) COMPANY: TCW SUPPLY, INCORPORATED; DOCKET NUMBER: 2023-0554-MLM-E; IDENTIFIER: RN101275048; LOCATION: Stinnett, Hutchinson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §288.20(a) and §288.30(5)(B), and TWC, §11.1272(c), by failing to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier; 30 TAC §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.45(f)(1), by failing to make a water purchase contract available to the Executive Director in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated; 30 TAC §290.46(s)(1), by failing to calibrate the facility's two well meters at least once every three years; 30 TAC §290.46(t), by failing to post a legible sign at the facility's production, treatment, and storage facilities that contains the name of the facility and an emergency telephone number where a responsible official can be contacted; and 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$4,863; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(30) COMPANY: Tokai Carbon CB Ltd.; DOCKET NUMBER: 2025-0157-AIR-E; IDENTIFIER: RN100226026; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: carbon black manufacturing plant; RULES VIOLATED: 30 TAC §112.118 and Texas Health and Safety Code, §382.085(b), by failing to comply with the requirements of 30 TAC Chapter 112, Subchapter E, Division 2 no later than January 1, 2025; PENALTY: \$30,000; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(31) COMPANY: WEAVER, JEFFREY; DOCKET NUMBER: 2025-0334-OSI-E; IDENTIFIER: RN105071930; LOCATION: Eustace, Henderson County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §285.61(4), by failing to ensure that an authorization to construct has been issued prior to beginning construction of an on-site sewage facility; PENALTY: \$175; ENFORCEMENT COORDINATOR: Sarah Castillo, (512) 239-1130; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

TRD-202501955

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 10, 2025



Enforcement Orders

An agreed order was adopted regarding ABRAXAS CORPORATION, Docket No. 2019-1778-PWS-E on June 6, 2025 assessing \$10,365 in administrative penalties with \$9,165 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LBC Houston, L.P., Docket No. 2021-1552-AIR-E on June 6, 2025 assessing \$23,260 in administrative penalties with \$4,652 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DNR BUSINESS, INC. dba Park Place Travel Plaza fka Sunmart 121, Docket No. 2022-1661-PST-E on June 6, 2025 assessing \$27,419 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Atwar Wilkins, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Honeywell International Inc., Docket No. 2023-0095-AIR-E on June 6, 2025 assessing \$33,337 in administrative penalties with \$6,667 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Kemp, Docket No. 2023-0821-MWD-E on June 6, 2025 assessing \$30,875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Department of Criminal Justice, Docket No. 2023-1459-PWS-E on June 6, 2025 assessing \$2,550 in administrative penalties with \$2,550 deferred. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas, LLC, Docket No. 2023-1798-PWS-E on June 6, 2025 assessing \$15,138 in administrative penalties with \$3,027 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Enterprise Products Operating LLC, Docket No. 2024-0039-IWD-E on June 6, 2025 assessing \$93,575 in administrative penalties with \$18,715 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas, LLC, Docket No. 2024-0092-MLM-E on June 6, 2025 assessing \$14,250 in administrative penalties with \$2,850 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Track9 Corporation dba Big Jacks Grocery, Docket No. 2024-0956-PST-E on June 6, 2025 assessing \$21,177 in administrative penalties with \$4,235 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas RV Ranch, LLC, Docket No. 2024-1101-MWD-E on June 6, 2025 assessing \$21,312 in admin-

istrative penalties with \$4,262 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Slice of EP LLC, Docket No. 2024-1265-PWS-E on June 6, 2025 assessing \$62 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Utilities Investment Company, Inc., Docket No. 2024-1464-PWS-E on June 6, 2025 assessing \$2,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INEOS NITRILES USA LLC, Docket No. 2024-1895-WDW-E on June 6, 2025 assessing \$13,727 in administrative penalties with \$2,745 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202501988

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Enforcement Orders

An agreed order was adopted regarding SAMMYS MINI MART, LLC, Docket No. 2022-0352-PST-E on June 10, 2025 assessing \$8,623 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding West Food Mart, Inc., Docket No. 2022-0841-PST-E on June 10, 2025 assessing \$7,288 in administrative penalties with \$1,457 deferred. Information concerning any aspect of this order may be obtained by contacting Celia Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Harris County Municipal Utility District 230, Docket No. 2022-0946-PWS-E on June 10, 2025 assessing \$3,400 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JACOB WHITE CONSTRUCTION CO., Docket No. 2022-1544-WQ-E on June 10, 2025 assessing \$11,485 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Airgas USA, LLC, Docket No. 2023-0264-IWD-E on June 10, 2025 assessing \$12,500 in administrative penalties with \$2,500 deferred. Information concerning any aspect

of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kleberg County, Docket No. 2023-0292-MWD-E on June 10, 2025 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2023-0436-PWS-E on June 10, 2025 assessing \$9,263 in administrative penalties with \$1,852 deferred. Information concerning any aspect of this order may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Aledo, Docket No. 2023-0446-PWS-E on June 10, 2025 assessing \$7,438 in administrative penalties with \$1,487 deferred. Information concerning any aspect of this order may be obtained by contacting Deshaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2023-0482-PWS-E on June 10, 2025 assessing \$2,500 in administrative penalties with \$500 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Milford, Docket No. 2023-0828-PWS-E on June 10, 2025 assessing \$2,200 in administrative penalties with \$440 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cooley Capital Companies, LLC dba Series C- Patriot RV Park- Burnet, Docket No. 2023-0829-PWS-E on June 10, 2025 assessing \$5,478 in administrative penalties with \$1,095 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jose Manuel Sanchez AKA Jose M. Sanchez-Rodriguez, Docket No. 2023-0855-PWS-E on June 10, 2025 assessing \$3,250 in administrative penalties with \$650 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Manor, Docket No. 2023-1056-MWD-E on June 10, 2025 assessing \$4,387 in administrative penalties with \$877 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2023-1532-PWS-E on June 10, 2025 assessing \$2,150 in administrative penalties with \$430 deferred. Information concerning any aspect of this order may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AAAI Investment LLC dba McKinney Express, Docket No. 2024-0209-PST-E on June 10, 2025 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jose H. Gonzalez and Angelica M. Hernandez, Docket No. 2024-0270-OSS-E on June 10, 2025 assessing \$3,500 in administrative penalties with \$700 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Anthony Julio Colon and Taina Colon, Docket No. 2024-0335-OSS-E on June 10, 2025 assessing \$950 in administrative penalties with \$190 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jose Luis Chavez, Docket No. 2024-0600-LII-E on June 10, 2025 assessing \$864 in administrative penalties with \$172 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HARROLD WATER SUPPLY CORPORATION, Docket No. 2024-0652-PWS-E on June 10, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Mason Demasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding C.M.T. ENTERPRISES, LLC dba In N Out C Store Gas Station, Docket No. 2024-0729-PST-E on June 10, 2025 assessing \$4,750 in administrative penalties with \$950 deferred. Information concerning any aspect of this order may be obtained by contacting Faye Renfro, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Kirby, Docket No. 2024-0777-PWS-E on June 10, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lucia Flores dba Royal Oaks Apartments and Margarito Flores dba Royal Oaks Apartments, Docket No. 2024-0988-PWS-E on June 10, 2025 assessing \$625 in administrative penalties with \$125 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding US Department of Veterans Affairs dba West Texas VA Health Care System, Docket No. 2024-1082-PST-E on June 10, 2025 assessing \$6,000 in administrative penalties with \$1,200 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The Sherwin-Williams Manufacturing Company, Docket No. 2024-1139-AIR-E on June 10, 2025 assessing \$7,363 in administrative penalties with \$1,472 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Van Alstyne, Docket No. 2024-1232-PWS-E on June 10, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hal S. Zaltsberg dba 2524 Azle Highway Business Park, Docket No. 2024-1234-PWS-E on June 10, 2025 assessing \$1,938 in administrative penalties with \$387 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Mount Houston Road Municipal Utility District, Docket No. 2024-1266-MWD-E on June 10, 2025 assessing \$3,750 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Quadvest, L.P., Docket No. 2024-1304-PWS-E on June 10, 2025 assessing \$750 in administrative penalties with \$150 deferred. Information concerning any aspect of this order may be obtained by contacting De'Shaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2024-1344-PWS-E on June 10, 2025 assessing \$1,350 in administrative penalties with \$270 deferred. Information concerning any aspect of this order may be obtained by contacting De'Shaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Town of Oak Ridge, Docket No. 2024-1373-PWS-E on June 10, 2025 assessing \$115 in administrative penalties with \$23 deferred. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of East Tawakoni, Docket No. 2024-1394-PWS-E on June 10, 2025 assessing \$55 in administrative penalties with \$11 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Karnes City, Docket No. 2024-1400-PST-E on June 10, 2025 assessing \$6,750 in administrative penalties with \$1,350 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gaubert Oil Company, L.L.C., Docket No. 2024-1402-PST-E on June 10, 2025 assessing \$3,057 in administrative penalties with \$611 deferred. Information concerning

any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Savage Services Corporation and Pabtex, Inc., Docket No. 2024-1414-WQ-E on June 10, 2025 assessing \$4,537 in administrative penalties with \$907 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Toledo Bend Resort, L.L.C., Docket No. 2024-1448-MWD-E on June 10, 2025 assessing \$9,563 in administrative penalties with \$1,912 deferred. Information concerning any aspect of this order may be obtained by contacting Sarah Castillo, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2024-1533-PWS-E on June 10, 2025 assessing \$12,000 in administrative penalties with \$2,400 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding General Shale Brick, Inc., Docket No. 2024-1539-EAQ-E on June 10, 2025 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2024-1639-PWS-E on June 10, 2025 assessing \$1,071 in administrative penalties with \$214 deferred. Information concerning any aspect of this order may be obtained by contacting Deshaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding C & S WAY OUT WEST ENTERPRISES, INC., Docket No. 2024-1643-WQ-E on June 10, 2025 assessing \$7,875 in administrative penalties with \$1,575 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2024-1692-PWS-E on June 10, 2025 assessing \$750 in administrative penalties with \$150 deferred. Information concerning any aspect of this order may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2024-1710-PWS-E on June 10, 2025 assessing \$2,362 in administrative penalties with \$472 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Llano Grande MHRV LLC, Docket No. 2024-1728-PWS-E on June 10, 2025 assessing \$585 in administrative penalties with \$117 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Frey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding D.R. Horton - Texas, Ltd. dba Emerald Homes, Docket No. 2024-1844-WQ-E on June 10, 2025 assessing \$1,501 in administrative penalties with \$300 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LAPJ Proverbs III, LLC, Docket No. 2024-1847-MLM-E on June 10, 2025 assessing \$7,425 in administrative penalties with \$1,485 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202501989

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of an Amendment to a Certificate of Adjudication Application No. 13828

Notice Issued June 5, 2025

Kiteboard Ranch, LLC (Applicant/Permittee), 3571 Far West Blvd., No. 82, Austin, Texas 78731, seeks authorization to maintain a dam and 1,186-acre-foot reservoir on Long Branch, Guadalupe River Basin for recreational purposes in Guadalupe County. Applicant will maintain the reservoir with groundwater. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

Partial fees were received on October 29, 2021, and the application was received on February 28, 2022. Additional information and fees were received on June 3, June 8 and September 1, 2022, August 18, 2023, and June 20 and September 4, 2024. The application was declared administratively complete and filed with the Office of the Chief Clerk on September 30, 2022.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions including, but not limited to, use of an alternate source of water and maintaining an accounting plan. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the Permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 13828 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at <http://www.tceq.texas.gov/>. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202501975

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of an Amendment to a Certificate of Adjudication Application No. 14018

Notice Issued June 5, 2025

Blackfin Pipeline, LLC, 100 Congress Avenue, Suite 2200, Austin, Texas 78701, Applicant, seeks a temporary water use permit to divert and use not to exceed 39.9 acre-feet of water, within a period of three years, from two points on the Neches River, Neches River Basin for industrial purposes in Hardin and Jasper counties. More information on the application and how to participate in the permitting process is given below.

The application was received on July 2, 2024, and partial fees were received on July 9, 2024. Additional fees were received on January 29, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on February 19, 2025.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by June 20, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by June 20, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by June 20, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 14018 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at: www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al www.tceq.texas.gov.

TRD-202501976

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of an Amendment to a Certificate of Adjudication Application No. 14021

Notice Issued June 4, 2025

Jimmie Luecke, P.O. Drawer 949, Giddings, Texas 78942-0949, Applicant, seeks a water use permit to authorize the use of the bed and banks of an unnamed tributary of Owl Creek and Owl Creek, Colorado River Basin to convey up to 199 acre-feet of groundwater per year for subsequent diversion and use for mining and industrial purposes in Fayette County. More information on the application and how to participate in the permitting process is given below.

The application was received on July 23, 2024. Additional information was received on November 4, November 5, and December 14, 2024. Fees were received on December 19, 2024. The application was de-

clared administratively complete and accepted for filing with the Office of the Chief Clerk on December 23, 2024.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, maintaining a measuring device and records of the discharge and diversion of groundwater. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by July 7, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 7, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by July 7, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 14021 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202501973

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of District Petition - D-05192025-060

Notice issued June 6, 2025

TCEQ Internal Control No. D-05192025-060: McElmo Creek, LLC, (Petitioner) filed a petition for creation of Caldwell County Municipal Utility District No. 11 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 160.417 acres located within Caldwell County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, design, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate and amend local storm waters or other harmful excesses of waters; and (4) such other purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of such additional facilities, including roads, systems, plants and enterprises as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$36,800,000 (\$30,915,000 for water, wastewater, and drainage plus \$5,885,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual mem-

bers of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501977

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of District Petition - D-05212025-074

Notice issued June 11, 2025

TCEQ Internal Control No. D-05212025-074: Whitesboro 350 Partners, LLC, (Petitioner) filed a petition for creation of South Creek Farms Municipal Utility District of Grayson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Texas Farm Credit Services, FLCA, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 332.60 acres located within Grayson County, Texas; and (4) none of the land within the proposed District is within the corporate limits or The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) to collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm waters or other local harmful excesses of water in the District; (4) design, acquire, construct finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (4) purchase, construct, acquire, improve, or extend inside and outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$42,205,000 (\$32,850,000 for water, wastewater, and drainage plus \$9,355,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries.

You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501981

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of District Petition - D-05232025-079

Notice issued June 10, 2025

TCEQ Internal Control No. D-05232025-079: TCCI Meridian, LLC, a Texas limited liability company (Petitioner) filed a petition for creation of Meridian Municipal Utility District (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Louisiana National Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 306.17 acres located within Denton County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the Town of Ponder. By Resolution No. 25-11, passed and adopted and approved on May 12, 2025, the Town of Ponder, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, and enterprises, and road facilities as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$49,520,000 (\$41,185,000 for water, wastewater, and drainage plus \$8,335,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501980

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 22, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on July 22, 2025**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: SAM BROTHERS, INC. dba Greentop 3; DOCKET NUMBER: 2023-0098-PST-E; TCEQ ID NUMBER: RN101378123; LOCATION: 1203 Kilgore Drive, Henderson, Rusk County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C - for the Facility; TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,619; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: TEXCON HOLDINGS INC; DOCKET NUMBER: 2024-0230-WQ-E; TCEQ ID NUMBER: RN111380945; LOCATION: 20783 Farm-to-Market Road 1314, Porter, Montgomery County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: 30 TAC §305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System General Permit Number TXG112983, Part III, Section A, Permit Requirements Number 1, Part IV, Standard Permit Conditions Number 7.f, by failing to timely submit monitoring results at intervals specified in the permit; PENALTY: \$3,563; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202501960

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: June 10, 2025



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DOs when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 22, 2025**. The commission will consider any writ-

ten comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on July 22, 2025. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in writing.

(1) COMPANY: Al Espree; DOCKET NUMBER: 2020-1586-MLM-E; TCEQ ID NUMBER: RN110882388; LOCATION: 1201 4th Street, Nome, Jefferson County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) site; RULES VIOLATED: Texas Health and Safety Code, §382.085(b) and 30 TAC §111.201, by causing, suffering, allowing, or permitting outdoor burning within the State of Texas; and 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$2,981; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Fairway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: Marvin Ackley and Kimberly Ackley; DOCKET NUMBER: 2023-1192-MSW-E; TCEQ ID NUMBER: RN 111502654; LOCATION: 875 Lake L Drive, Trinity, Trinity County; TYPE OF FACILITY: real property that contains and/or involves the management of municipal solid waste (MSW); RULE VIOLATED: 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$3,750; STAFF ATTORNEY: Laney Foeller, Litigation, MC 175, (512) 239-6226; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(3) COMPANY: Saleem Hassan dba One Stop Food Store 2; DOCKET NUMBER: 2021-1555-PST-E; TCEQ ID NUMBER: RN101557809; LOCATION: 617 South Belt Line Road, Irving, Dallas County; TYPE OF FACILITY: out of service underground storage tank system and a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C; TWC, §26.3475(d) and 30 TAC §334.49(c)(2)(C), by failing to inspect the impressed current corrosion protection system at least once every 60 days to ensure the rectifier and other system components are operating properly; TWC, §26.3475(d) and 30 TAC §334.49(c)(4)(C), by failing to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years; and 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks; PENALTY: \$8,979; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202501961

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: June 10, 2025

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Notice of Public Meeting Air Quality Standard Permit
Registration Renewal (Rescheduled from May 1, 2025) Air
Quality Registration No. 121643

APPLICATION. HM South Texas Concrete LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Registration No. 121643, for an Air Quality Standard Permit for Concrete Batch Plants, which would authorize continued operation of a Concrete Batch Plant located at 7201 West Hardy Road, Houston, Harris County, Texas 77022. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcerview/airpermits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.353055,29.821666&level=13>. The existing facility is authorized to emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less. This application was submitted to the TCEQ on November 4, 2024.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. Information in the application indicates that this permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Tuesday, July 15, 2025, at 6:00 p.m.

Herrera Elementary (Cafeteria)

525 Bennington St.

Houston, Texas 77022

INFORMATION. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information can be found at our website at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the permit number at the top of this form.

The application will be available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and the Moody Neighborhood Library, 9525 Irvington Boulevard, Houston, Harris County, Texas. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ. Further information may also be obtained from HM South Texas Concrete LLC, 16155 Park Row, Suite 120, Houston, Texas 77084-6971 or by calling Mr. Visham Seunarine, Environmental Professional at (281) 647-1154.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: June 10, 2025

TRD-202501978

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Notice of Public Meeting Cancellation - 175198

The Texas Commission on Environmental Quality (TCEQ) submitted a Notice of Public Meeting for North Texas Natural Select Materials LLC; Proposed Registration No. 175198, for publication in the May 23, 2025, issue of the *Texas Register*, TexReg Docket Number 202501637. The public meeting scheduled for Monday, June 16, 2025 is cancelled. The public meeting will be scheduled for a later date. Members of the public with questions regarding this application or public meeting may seek further information by calling the TCEQ Public Education Program toll free at (800) 687-4040.

TRD-202501979

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 11, 2025



Texas Facilities Commission

Request for Proposals #303-6-20802

The Texas Facilities Commission (TFC), on behalf of the Texas Department of Public Safety (DPS), announces the issuance of a Request for Proposals (RFP) #303-6-20802. TFC seeks a five (5) or ten (10) year lease of approximately 20,690 square feet of office space and 195 square feet of outdoor employee lounge area in the City of Katy, Texas.

The deadline for questions is July 1, 2025 and the deadline for proposals is July 22, 2025 at 3:00 p.m. The award date is October 16, 2025. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of a RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting Heidi Gonzales at heidi.gonzales@tfc.texas.gov. A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.gov/esbd/303-6-20802>

TRD-202501971

Amanda Brainard

Acting Director, State Leasing Services

Texas Facilities Commission

Filed: June 11, 2025



General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of June 2, 2025 to June 7, 2025. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, June 13, 2025. The public comment period for this project will close at 5:00 p.m. on Sunday, July 13, 2025.

Federal Agency Activities:

Applicant: National Park Service Padre Island National Seashore

Location: The project site is located in the Gulf of America and Laguna Madre, at 20300 Park Road 22, in Corpus Christi, Nueces County, Texas.

Latitude and Longitude: 27.491733, -97.266881

Project Description: The applicant proposes to retain fill associated with installing of security bollards at the North Beach Boundary and Yarbrough locations and the discharge of fill material associated with repair and maintenance of these bollards into the Gulf of America and Laguna Madre.

The applicant has stated that they have avoided and minimized the environmental impacts by committing to biologists surveying the site for endangered species before and during project construction. The work will not interfere with navigation and no shading will occur of any intertidal zone or seagrass beds.

The project site conditions are currently those of the Padre Island National Seashore. Each proposed project site has an access road and is otherwise undeveloped. The site is primarily used for recreation.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2014-00777. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

CMP Project No: 25-1222-F2

Applicant: Texas Department of Transportation - Corpus Christi

Location: The project site is the Yorktown Blvd. bridge, Cayo Del Oso, Nueces County.

Latitude and Longitude: 27.641908, -97.346560

Project Description: The proposed project would replace the Yorktown Blvd bridge at Cayo Del Oso. The bridge is approximately 502-ft in length and 46-ft in width. The new bridge will be built in two phases with one travel lane open in each direction during each phase of construction. Temporary work platforms are anticipated to be needed to construct the project. This project will result in approximately 0.05 acre of permanent impacts and 0.03 acre of temporary impacts to wetlands and approximately 0.004 acre of permanent impacts and 0.02 acre of temporary impacts to open water. Permanent impacts will result from the placement of 43 new square concrete bridge piles and concrete riprap. Temporary impacts will result from placement of concrete riprap at bridge abutments and placement of 510 temporary steel piles needed for the construction of temporary work platforms. Temporary piles and platforms will be removed in their entirety after the completion of construction.

Type of Application: U.S. Coast Guard bridge permit exemption.

CMP Project No: 25-1226-F2

Federal License and Permit Activities:

Applicant: Blue Marlin, LLC (BMOP)

Location: The project site is located in the United States Exclusive Economic Zone in the Gulf of America, 86 nautical miles off the coast of Cameron Parish, Louisiana. The onshore components would be in Orange and Jefferson counties, Texas, and Cameron Parish, Louisiana and include the construction of the BMOP Pump Station at the existing Nederland Terminal in Texas.

Project Description: The applicant is proposing to construct, own, operate, and eventually decommission a deepwater port (DWP) to export domestically produced crude oil. The proposed DWP would be located in the United States Exclusive Economic Zone in the Gulf of America, 86 nautical miles off the coast of Cameron Parish, Louisiana, in water depths of about 162 feet. The project would have both onshore and offshore components. The onshore components would be in Orange and Jefferson counties, Texas, and Cameron Parish, Louisiana and include the construction of the BMOP Pump Station at the existing Nederland Terminal in Texas, new and converted onshore pipelines, five aboveground mainline valves (MLVs), three located in Orange County, Texas, and conversion of two existing aboveground facilities, Station 501 and Station 701, in Louisiana. The offshore components would originate at the shoreline crossing in Cameron Parish, Louisiana, where the existing offshore pipeline would be converted to deliver crude oil to the existing platform complex. An offshore MLV would be located at converted Platform 148 at milepost 32.1 in a water depth of 37 feet. The platform complex would include five fixed platforms (i.e., Platform 509A, Platform 509B, and Platform 509C, and two vent boom tripods). All platform complex topsides would be replaced and converted to facilities for crude oil export. Platform 509A would house

a vapor control system. Offshore components would also include two new loading pipelines (6,325 and 6,085 feet long), four vapor recovery pipelines (two totaling 12,844 feet and two totaling 12,604 feet), two umbilical control cables, two pipeline end manifolds, two catenary anchor leg mooring buoys to concurrently moor two Very Large Crude Carriers (VLCC) or other crude oil carriers, three service vessel mooring points, and an anchorage area.

Use of the DWP would load various grades of crude oil at flow rates up to 80,000 barrels per hour. The BMOP DWP would allow for up to one VLCC or other crude oil carriers to moor at the CALM and connect with the DWP via floating connecting crude oil hoses. The maximum loading frequency would be approximately 2 million barrels per day (1,920,000), 365 days per year.

Type of Application: Deepwater Port License Docket No. MARAD-2020-0127 Draft Environmental Impact Statement.

CMP Project No: 25-1224-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202501948

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: June 9, 2025



Official Notice to Vessel Owner/Operator

(Pursuant to §40.254, Tex Nat. Res. Code)

PRELIMINARY REPORT

Authority

This preliminary report and notice of violation was issued by the Deputy Director, Oil Spill Prevention and Response Division (OSPR), Texas General Land Office, on 05/30/2024.

Facts

Based on an investigation conducted by Texas General Land Office-Region 2 staff on 05/29/2024, the Commissioner of the General Land Office (GLO), has determined that a 34 Ft Silverton, identified as GLO Vessel Tracking Number 99873 is in a wrecked, derelict and substantially dismantled condition without the consent of the commissioner. The vessel is located at 29° 26' 26" N, 94° 54' 20" W in Galveston County, Texas.

The GLO determined that pursuant to OSPRA §40.254(b)(2)(B), that the vessel does have intrinsic value. The GLO has also determined that, because of the vessel's location and condition, the vessel poses a THREAT TO THE ENVIRONMENT/THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE.

Violation

YOU ARE HEREBY GIVEN NOTICE, pursuant to the provisions of §40.254 of the Texas Natural Resources Code, (OSPRA) that you are in violation of OSPRA §40.108(a) that prohibits a person from leaving, abandoning, or maintaining any structure or vessel in or on coastal waters, on public or private lands, or at a public or private port or dock if the structure or vessel is in a wrecked, derelict, or substantially dis-

mantled condition, and the Commissioner determines the vessel is involved in an actual or threatened unauthorized discharge of oil; a threat to the public health, safety, and welfare; a threat to the environment; or a navigational hazard. The Commissioner is authorized by OSPRA §40.108(b) to dispose of or contract for the disposal of any vessel described in §40.108(a).

Recommendation

The Deputy Director has determined the person responsible for abandoning this vessel (GLO Tracking Number 99873) and recommends that the Commissioner order the abandoned vessel be disposed of in accordance with OSPRA §40.108.

The owner or operator of this vessel can request a hearing to contest the violation and the removal and disposal of the vessel. If the owner or operator wants to request a hearing, a request in writing must be made within twenty (20) days of this notice being posted on the vessel. The request for a hearing must be sent to: Texas General Land Office, Oil Spill Prevention and Response Division, P.O. Box 12873, Austin, Texas 78711. Failure to request a hearing may result in the removal and disposal of the vessel by the GLO. If the GLO removes and disposes of the vessel, the GLO has authority under TNRC §40.108(b) to recover the costs of removal and disposal from the vessel's owner or operator. For additional information contact (512) 463-2613.

TRD-202501949

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: June 9, 2025

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Attendant Services in Community First Choice (CFC), Home and Community-Based Services Adult Mental Health Program (HCBS-AMH), Home and Community-Based Services (HCS), Texas Home Living Waiver (TxHmL), and Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID) Programs, Effective September 1, 2025

Hearing. The Texas Health and Human Services Commission (HHSC) will hold a public hearing on July 16, 2025, from 9:00 a.m. to 10:45 a.m. CDT to receive public comments on the proposed Medicaid payment rates.

This hearing will be conducted both in person and as an online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following registration URL:

<https://attendee.gotowebinar.com/register/4108079354046503515>

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing in by phone will be provided via email after you register.

Members of the public may attend the rate hearing in person, which will be held in the HHSC John H. Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. A recording of the hearing will be archived and accessible on demand at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings> under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

Any updates to the hearing details will be posted on the HHSC website at <https://www.hhs.texas.gov/about/meetings-events>.

Proposal. HHSC proposes rate actions for attendant services in CFC, HCBS-AMH, HCS, TxHmL, and ICF/IID. The proposed rate will be effective September 1, 2025.

Methodology and Justification. HHSC is responsible for the reimbursement determination functions for the Texas Medicaid Program. Proposed rates are calculated using established methodologies that conform to the Social Security Act and related federal regulations, the federally approved Texas Medicaid State Plan, all applicable state statutes and rules, and other requirements. HHSC proposes increases to payment rates for personal attendant services in HCS, HCBS-AMH, TxHmL, and ICF/IID in accordance with the 2026-27 General Appropriations Act, Senate Bill 1, 89th Legislature, Regular Session, 2025 (Article II, HHSC, Rider 23), effective September 1, 2025.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available no later than June 27, 2025, at <https://pfd.hhs.texas.gov/rate-packets>. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401, by fax at (512) 730-7475, or by email at PFD-LTSS@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Preferred Communication. For the quickest response, please use email or phone to communicate with HHSC regarding this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should call Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501967

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 10, 2025

Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Nursing Facilities (NFs) and Nursing Facility Special Reimbursement Class for Individuals with Intellectual and Developmental Disabilities (IIDs), Effective September 1, 2025

Hearing. The Texas Health and Human Services Commission (HHSC) will hold a public hearing on July 16, 2025, from 2:00 to 3:45 p.m. CDT to receive public comments on the proposed Medicaid payment rates.

This hearing will be conducted both in person and as an online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following registration URL:

<https://attendee.gotowebinar.com/register/6143391925292684381>

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing in by phone will be provided via email after you register.

Members of the public may attend the rate hearing in person, which will be held in the HHSC John H. Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. A recording of the hearing will be archived and accessible on demand at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings> under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

Any updates to the hearing details will be posted on the HHSC website at <https://www.hhs.texas.gov/about/meetings-events>.

Proposal. HHSC proposes Medicaid payment rate actions for Nursing Facilities and Nursing Facility Special Reimbursement Class for Individuals with Intellectual and Developmental Disabilities, effective September 1, 2025.

Methodology and Justification. Nursing facilities provide institutional care to Medicaid recipients whose medical condition regularly requires the skills of licensed nurses. The nursing facilities must provide for the total medical, social, and psychological needs of each client, including room and board, social services, over-the-counter drugs, medical supplies and equipment, and personal care items.

Rider 25 of the 2026-27 General Appropriations Act, Senate Bill (S.B.) 1, 89th Legislature, Regular Session, 2025 (Article II, HHSC, Rider 25) provides appropriations for reimbursement rate increases for NFs to fund dietary and administrative costs for nursing facilities. In addition, S.B. 457, 89th Legislature, Regular Session, 2025 discontinues the Direct Care Staff Rate Enhancement program and requires the establishment of a Patient Care Expense Ratio. HHSC will propose rates, including the rate subcomponents, that will account for the patient care expense ratio and the rate increases.

Rider 31 of the 2026-27 General Appropriations Act, S.B. 1, 89th Legislature, Regular Session, 2025 (Article II, HHSC, Rider 31) provides appropriations for HHSC to implement a new payment methodology for a new special reimbursement class to achieve improved care for long-term stay nursing facility services facilities predominantly serving residents with intellectual and developmental disabilities. In accordance with S.B. 1 and S.B. 457, 89th Legislature, Regular Session, 2025, these rate actions are effective September 1, 2025.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available no later than June 27, 2025, at <https://pfd.hhs.texas.gov/rate-packets>. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401, by fax at (512) 730-7475, or by email at PFD-LTSS@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of oral testimony until 5 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Preferred Communication. For the quickest response, please use email or phone to communicate with HHSC regarding this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should call Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501966

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 10, 2025



Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Nursing Facilities (NFs) and Nursing Facility Special Reimbursement Class for Individuals with Intellectual and Developmental Disabilities (IIDs), Effective September 1, 2025

Hearing. The Texas Health and Human Services Commission (HHSC) will hold a public hearing on July 16, 2025, from 2:00 p.m. to 3:45 p.m. CDT to receive public comments on the proposed Medicaid payment rates.

This hearing will be conducted both in person and as an online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following registration URL:

<https://attendee.gotowebinar.com/register/6143391925292684381>

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing in by phone will be provided via email after you register.

Members of the public may attend the rate hearing in person, which will be held in the HHSC John H. Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. A recording of the hearing will be archived and accessible on demand at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings> under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

Any updates to the hearing details will be posted on the HHSC website at <https://www.hhs.texas.gov/about/meetings-events>.

Proposal. HHSC proposes Medicaid payment rate actions for Nursing Facilities and Nursing Facility Special Reimbursement Class for Individuals with Intellectual and Developmental Disabilities, effective September 1, 2025.

Methodology and Justification. Nursing facilities provide institutional care to Medicaid recipients whose medical condition regularly requires the skills of licensed nurses. The nursing facilities must provide for the total medical, social, and psychological needs of each client, including room and board, social services, over-the-counter drugs, medical supplies and equipment, and personal care items.

Rider 25 of the 2026-27 General Appropriations Act, Senate Bill (S.B.) 1, 89th Legislature, Regular Session, 2025 (Article II, HHSC, Rider 25) provides appropriations for reimbursement rate increases for NFs to fund dietary and administrative costs for nursing facilities. In addition, S.B. 457, 89th Legislature, Regular Session, 2025 discontinues the Direct Care Staff Rate Enhancement program and requires the establishment of a Patient Care Expense Ratio. HHSC will propose rates, including the rate subcomponents, that will account for the patient care expense ratio and the rate increases.

Rider 31 of the 2026-27 General Appropriations Act, S.B. 1, 89th Legislature, Regular Session, 2025 (Article II, HHSC, Rider 31) provides appropriations for HHSC to implement a new payment methodology for a new special reimbursement class to achieve improved care for long-term stay nursing facility services facilities predominantly serving residents with intellectual and developmental disabilities. In accordance with S.B. 1 and S.B. 457, 89th Legislature, Regular Session, 2025, these rate actions are effective September 1, 2025.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available no later than June 27, 2025, at <https://pfd.hhs.texas.gov/rate-packets>. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401, by fax at (512) 730-7475, or by email at PFD-LTSS@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Preferred Communication. For the quickest response, please use email or phone to communicate with HHSC regarding this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should call Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501968

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 10, 2025



Public Notice: Community Living Assistance and Support Services (CLASS) Waiver Program

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Community Living Assistance and Support Services (CLASS) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the CLASS waiver application through August 31, 2029.

The amendment request proposes to make changes to Appendix I and Appendix J of the waiver application based on the 2026-27 General Appropriations Act, Senate Bill 1, 89th Legislature, Regular Session, 2025, (Article II, HHSC, Rider 23). The requested effective date for the proposed amendment is September 1, 2025.

Appendix I

The 2026-27 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC, Rider 23) provides appropriations for HHSC to increase the wage for personal attendants under Medicaid and other programs administered by HHSC and to discontinue the Attendant Compensation Rate Enhancement (ACRE) program effective September 1, 2025. The proposed amendment removes language about the ACRE program.

Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) of waiver years two (9/1/25 - 8/31/26) through five (9/1/28 - 8/31/29). The updated projections in Appendix J account for rate increases for Prevocational Services provided by the waiver provider, as well as the following services provided by the waiver provider and through the Consumer Directed Services (CDS) option: Employment Assistance, Supported Employment, Residential Habilitation, Respite (In Home).

HHSC also updated projections for the annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) for waiver years two through five in Appendix J.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$265,503 for federal fiscal year 2025, consisting of \$159,302 in federal funds and \$106,201 in state general revenue. For federal fiscal year 2026, the estimated annual aggregate fee-for-service expenditure is \$25,519,253, consisting of \$15,268,169 in federal funds and \$10,251,084 in state general revenue. For federal fiscal year 2027, the estimated annual aggregate fee-for-service expenditure is \$25,664,994, consisting of \$15,355,366 in federal funds and \$10,309,628 in state general revenue. For federal fiscal year 2028, the estimated annual aggregate fee-for-service expenditure is \$27,481,087, consisting of \$16,441,934 in federal funds and \$11,039,153 in state general revenue.

CLASS Program Overview

The CLASS waiver program provides community-based services and supports to individuals with a related condition who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources.

Services in the CLASS waiver program are case management, prevocational services, residential habilitation, respite (in-home and out of home), supported employment, prescribed drugs, financial management services, support consultation, adaptive aids, auditory integration training/auditory enhancement training, behavioral support, cognitive rehabilitation therapy, continued family services, dental treatment, dietary, employment assistance, minor home modifications, nursing, occupational therapy services, physical therapy services, specialized therapies, speech and language pathology, support family services and transition assistance services.

Rate Hearing. A rate hearing will be held on July 16, 2025, at 10:30 a.m. in Austin, Texas. The hearing will be held in the HHSC John H. Winters Building, Public Hearing Room 125W, First Floor, at 701 W. 51st Street, Austin, Texas 78751. Information and updates about the proposed rate change(s) will be made available at <https://pfd.hhs.texas.gov/rate-packets>.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of, or in addition to, oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail or hand delivered to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Copy of Proposed Amendment(s). To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments, please contact Jayasree Sankaran by U.S. mail,

telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21st, 2025.

The HHSC Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

For the in-person hearing, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (737) 867-7817 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501990

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Community Living Assistance and Support Services (CLASS) Waiver Program Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Community Living Assistance and Support Services (CLASS) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the CLASS waiver application through August 31, 2029. The proposed effective date for the amendment is September 1, 2025.

HHSC clarifies an additional public notice of intent was posted on June 20, 2025 that provides information on the proposed attendant rate changes for this same amendment. This PNI serves as a notice of the cost limit amendment indicated below. This September 1, 2025 amendment contains both the rate and cost limit amendment.

The amendment proposes to make the following changes:

Appendix B: Participant Access and Eligibility

HHSC revised the language in Appendix B-2.a "individual cost limit".

CLASS Program Overview

The CLASS Program provides community-based services and supports to individuals with a related condition who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources.

Services in the CLASS Program are case management, prevocational services, residential habilitation, respite (in-home and out of home), supported employment, prescribed drugs, financial management services, support consultation, adaptive aids, auditory integration training/auditory enhancement training, behavioral support, cognitive rehabilitation therapy, continued family services, dental treatment, dietary, employment assistance, minor home modifications, nursing, occupational therapy services, physical therapy services, specialized therapies, speech and language pathology, support family services and transition assistance services.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21, 2025.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202501983

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Deaf Blind with Multiple Disabilities (DBMD) Waiver Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Deaf Blind with Multiple Disabilities (DBMD) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the DBMD waiver applica-

tion through February 29, 2028. The proposed effective date for this amendment is September 1, 2025.

HHSC clarifies an additional public notice of intent was posted on June 20, 2025 that provides information on the proposed attendant rate changes for this same amendment. This PNI serves as a notice of the cost limit amendment indicated below. This September 1, 2025 amendment contains both the rate and cost limit amendment.

The amendment proposes to make the following changes:

Appendix B: Participant Access and Eligibility

HHSC revised the language in Appendix B-2.a "individual cost limit".

DBMD Program Overview

The DBMD waiver provides community-based services and supports to individuals with deafblindness or a condition that leads to deafblindness, and at least one additional disability that limits independent functioning and who live in their own homes or in the home of another person, such as a family member or in a small group home setting. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources.

Current services in the DBMD waiver are case management, employment readiness, residential habilitation, respite (in-home and out of home), supported employment, prescribed medications, financial management services, support consultation, adaptive aids and medical supplies, assisted living, audiology services, behavioral support, chore services, dental treatment, dietary services, employment assistance, intervener, minor home modifications, nursing, occupational therapy services, orientation and mobility, physical therapy services, speech, hearing and language therapy, transition assistance services and individualized skills and socialization.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21, 2025.

The HHSC Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202501984

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Deaf Blind with Multiple Disabilities (DBMD) Waiver Program Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Deaf Blind with Multiple Disabilities (DBMD) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the DBMD waiver application through February 29, 2028. The requested effective date for the proposed amendment is September 1, 2025.

The amendment request proposes to make changes relating to the following appendices: B, C, D, I and J.

HHSC amended Appendix I and J of the waiver application based on the 2026-27 General Appropriations Act, Senate Bill 1, 89th Legislature, Regular Session, 2025, (Article II, HHSC, Rider 23).

HHSC amended Appendix B, C and D of the waiver to align with the CMS revised 1915(c) Home and Community-Based Services (HCBS) Waiver Application and Technical Guide released by CMS in December 2024.

Appendix B

HHSC selected the following Medicaid eligibility groups served in the waiver, based on CMS adding new checkboxes. Parents and Other Caretaker Relatives, Pregnant Women, and Infants and Children under Age 19.

Historically, HHSC had these groups listed in the "Other specified groups section," before there was a checkbox for these groups. With the additional checkboxes, HHSC removed the groups from the "Other specified groups." HHSC did not add any new eligibility groups to the waiver through this amendment. This change was to align with the CMS checkboxes.

Appendix C

To align with policy, HHSC added language to the case management service definition to clarify the frequency of face-to-face service delivery with the individual receiving services.

HHSC removed duplicative language in the physical therapy service definition. Duplicative language removed "Physical therapy services include: screening and assessment; developing therapeutic treatment plans; providing direct therapeutic intervention; recommending adaptive aids; training and assisting with adaptive aids; consulting with other providers and family members; and participating on the service planning team, when appropriate."

To align with the CMS technical guide and waiver application changes, HHSC provided information in the new Home and Community-Based Settings section C-5, to provide a description of the settings in which the DBMD services are received; description of the means by which HHSC ascertains that all waiver settings meet federal HCBS Setting requirements, at the time of this submission and in the future as part of ongoing monitoring; attested to the requirements that each setting will meet; and that the waiver does include provider-owned or controlled settings that meet the CMS settings requirements.

To align with the CMS technical guide and waiver application changes, in C-2 b, HHSC clarified the requirements for ensuring continuity of care for a waiver participant. HHSC clarified that licensed Home and Community Support Services Agencies (HCSSAs) ensure the client continues to receive services as specified in the plan of care. HHSC regulatory monitors licensed HCSSA providers to ensure that services are provided as ordered or authorized. In addition, the DBMD program rules require a backup plan for services that are critical to the individual's health and safety. HHSC Contract Administration Provider Monitoring (CAPM) monitors DBMD providers for DBMD specific requirements.

In section C-2 g, HHSC checked the new CMS checkbox to indicate that HCBS may not be provided while an individual is an acute care hospital.

Appendix D

To align with the CMS technical guide and waiver application changes, HHSC added language in the service plan development process section to include a temporary or provisional service plan process for an individual in an emergency in order to initiate services in advance before a finalized plan is created for an individual.

To align with the new 3.7 waiver application CMS changes, HHSC checked the boxes that assures compliance on the service plan HCBS settings requirements.

Appendix I

The 2026-27 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC, Rider 23) provides appropriations for HHSC to increase the wage for personal attendants under Medicaid and other programs administered by HHSC and to discontinue the Attendant Compensation Rate Enhancement (ACRE) program effective September 1, 2025. The proposed amendment removes language about the ACRE program. In addition, a Texas Administrative Code (TAC) link was updated.

Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) for waiver years three (3/1/25- 2/28/26) through five (3/1/27 - 2/29/28). The updated projections in Appendix J account for rate increases for the following services provided by the waiver provider: Employment Readiness, Assisted Living (18 hour and 24 hour), Chore Services, and Individualized Skills and Socialization (On-site and Off-site); as well as the following services provided by the waiver provider and through the Consumer Directed Services (CDS) option: Employment Assistance, Supported Employment, Intervener, Respite (In Home) and Residential Habilitation.

HHSC also updated projections for the annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) for waiver years three through five in Appendix J.

The proposed rate changes in the amendment are estimated to result in an annual aggregate fee-for-service expenditure of \$8,897 for federal fiscal year 2025, consisting of \$5,338 in federal funds and \$3,559 in state general revenue. For federal fiscal year 2026, the estimated annual aggregate fee-for-service expenditure is \$53,157, consisting of \$31,804 in federal funds and \$21,353 in state general revenue. For federal fiscal year 2027, the estimated annual aggregate fee-for-service expenditure is \$53,460, consisting of \$31,985 in federal funds and \$21,475 in state general revenue. For federal fiscal year 2028, the estimated annual aggregate fee-for-service expenditure is \$57,244, consisting of \$34,249 in federal funds and \$22,995 in state general revenue.

DBMD Program Overview

The DBMD waiver provides community-based services and supports to individuals with deafblindness or a condition that leads to deafblindness, and at least one additional disability that limits independent functioning and who live in their own homes or in the home of another person, such as a family member or in a small group home setting. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources.

Current services in the DBMD waiver are employment readiness, case management, residential habilitation, respite (in-home and out of home), supported employment, prescribed medications, financial management services, support consultation, adaptive aids and medical supplies, assisted living, audiology services, behavioral support, chore services, dental treatment, dietary services, employment assistance, intervener, minor home modifications, nursing, occupational therapy services, orientation and mobility, physical therapy services, speech, hearing and language therapy, transition assistance services and individualized skills and socialization.

Rate Hearing. A rate hearing will be held on July 16, 2025, at 10:30 a.m. in Austin, Texas. The hearing will be held in the HHSC John H. Winters Building, Public Hearing Room 125W, First Floor, at 701 W. 51st Street, Austin, Texas 78751. Information and updates about the proposed rate change(s) will be made available at <https://pfd.hhs.texas.gov/rate-packets>.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of, or in addition to, oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFDD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail or hand delivered to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Copy of Proposed Amendment(s). To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21st, 2025.

The HHSC Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

For the in-person hearing, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (737) 867-7817 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501991

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Home and Community-Based Services (HCS) Waiver

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the Home and Community-based Services (HCS) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the HCS waiver application through August 31, 2028. The proposed effective date for the amendment is September 1, 2025.

HHSC clarifies an additional public notice of intent was posted on June 20, 2025 that provides information on the proposed attendant rate changes for this same amendment. This PNI serves as a notice of the cost limit amendment indicated below. This September 1, 2025 amendment contains both the rate and cost limit amendment.

The amendment proposes to make the following changes:

Appendix B: Participant Access and Eligibility

HHSC revised the language in Appendix B-2.a "individual cost limit".

HCS Program Overview

The HCS waiver provides services and supports to individuals with intellectual disabilities who live in their own homes, in the home of a family member, or another community setting such as a three-person or four-person residence operated by an HCS program provider. Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources.

Current services in the HCS waiver include individualized skills and socialization, respite, employment readiness, supported employment, adaptive aids, audiology, occupational therapy, physical therapy, prescribed drugs, speech and language pathology, financial management services, support consultation, behavioral support, cognitive rehabilitation therapy, dental treatment, dietary services, employment assistance, minor home modifications, nursing, residential assistance, social work, supported home living, and transition assistance services.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment request may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21, 2025.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4330

Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202501974

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Home and Community-Based Services (HCS) Waiver Program Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Home and Community-based Services (HCS) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the HCS waiver application through August 31, 2028.

The amendment request proposes to make changes to Appendix I and Appendix J of the waiver application based on the 2026-27 General Appropriations Act, Senate Bill 1, 89th Legislature, Regular Session, 2025, (Article II, HHSC, Rider 23). The requested effective date for the proposed amendment is September 1, 2025.

Appendix I

The 2026-27 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC, Rider 23) provides appropriations for HHSC to increase the wage for personal attendants under Medicaid and other programs administered by HHSC and to discontinue the Attendant Compensation Rate Enhancement (ACRE) program effective September 1, 2025. The proposed amendment removes language about the ACRE program.

Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) for waiver years three (9/1/25-8/31/26) through five (9/1/27-8/31/28). The updated projections in Appendix J account for rate increases for the following services provided by the waiver provider: Employment Readiness, Individual Skills and Socialization, Supervised Living and Residential Support Services; and the following services delivered by the waiver provider and through the Consumer

Directed Services (CDS) option: Employment Assistance and Supported Employment, Respite (In Home and Out-of-Home), and Supported Home Living.

HHSC also updated projections for the annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) for waiver years three through five in Appendix J.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$1,174,132 for federal fiscal year 2025, consisting of \$704,479 in federal funds and \$469,653 in state general revenue. For federal fiscal year 2026, the estimated annual aggregate fee-for-service expenditure is \$37,897,521, consisting of \$22,674,087 in federal funds and \$15,223,434 in state general revenue. For federal fiscal year 2027, the estimated annual aggregate fee-for-service expenditure is \$38,113,956, consisting of \$22,803,580 in federal funds and \$15,310,376 in state general revenue. For federal fiscal year 2028, the estimated annual aggregate fee-for-service expenditure is \$40,810,956, consisting of \$24,417,195 in federal funds and \$16,393,761 in state general revenue.

HCS Program Overview

The HCS waiver provides services and supports to individuals with intellectual disabilities who live in their own homes, in the home of a family member, or another community setting such as a three-person or four-person residence operated by an HCS program provider. Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources.

Current services in the HCS waiver include individualized skills and socialization, respite, employment readiness, supported employment, adaptive aids, audiology, occupational therapy, physical therapy, prescribed drugs, speech and language pathology, financial management services, support consultation, behavioral support, cognitive rehabilitation therapy, dental treatment, dietary services, employment assistance, minor home modifications, nursing, residential assistance, social work, supported home living, and transition assistance services.

Rate Hearing. A rate hearing will be held on July 16, 2025, at 9:00 a.m. in Austin, Texas. The hearing will be held in the HHSC John H. Winters Building, Public Hearing Room 125W, First Floor, at 701 W. 51st Street, Austin, Texas 78751. Information and updates about the proposed rate change(s) will be made available at <https://pfd.hhs.texas.gov/rate-packets>.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of, or in addition to, oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail or hand delivered to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Copy of Proposed Amendment(s). To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21st, 2025.

The HHSC Access and Eligibility Services for local benefits offices will post this notice for 30 days and will have copies of the proposed changes available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4330

Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

For the in-person hearing, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (737) 867-7817 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501985

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Medically Dependent Children Program (MDCP) Waiver Program Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Medically Dependent Children Program (MDCP) waiver program authorized under the authority of §1915(c) of the Social Security Act. CMS has approved the MDCP waiver application through August 31, 2027.

The amendment request proposes to make changes to Appendix J of the waiver application based on the 2026-27 General Appropriations Act, Senate Bill 1, 89th Legislature, Regular Session, 2025, (Article II, HHSC Rider 23) which provides appropriations for HHSC to increase the wage for personal attendants under Medicaid and other programs administered by HHSC. The requested effective date for the proposed amendment is September 1, 2025.

Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) for waiver years four (9/1/25-8/31/26) through five (9/1/26-8/31/27). The updated projections in Appendix J account for rate increases for the following services provided by the waiver provider and through the Consumer Directed Services (CDS) option: Flexible Family Support Services and Respite (In Home).

HHSC also updated projections for the annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) for waiver years four through five in Appendix J.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$1,529,207 for federal fiscal year 2025, consisting of \$917,524 in federal funds and \$611,683 in state general revenue. For federal fiscal year 2026, the estimated annual aggregate fee-for-service expenditure is \$18,350,485, consisting of \$10,979,095 in federal funds and \$7,371,390 in state general revenue. For federal fiscal year 2027, the estimated annual aggregate fee-for-service expenditure is \$19,256,741, consisting of \$11,521,308 in federal funds and \$7,735,433 in state general revenue. For federal fiscal year 2028, the estimated annual aggregate fee-for-service expenditure is \$20,619,377 consisting of \$12,336,573 in federal funds and \$8,282,804 in state general revenue.

MDCP Program Overview

The MDCP waiver provides home and community-based services to medically fragile individuals from birth through age 20 who, without the waiver program, would require institutionalization in a nursing facility. Services in the MDCP waiver include respite, adaptive aids, minor home modifications, employment assistance, supported employment, financial management services, transition assistance services, and flexible family support services. Texas uses the MDCP waiver to provide services to Texans in the least restrictive environment possible. These environments include the individual's or a family member's home, or a Child Protective Services foster care home which can meet the individual's complex medical needs.

Rate Hearing. A rate hearing will be held on July 16, 2025, at 10:30 a.m. in Austin, Texas. The hearing will be held in the HHSC John H. Winters Building, Public Hearing Room 125W, First Floor, at 701 W. 51st Street, Austin, Texas 78751. Information and updates about the proposed rate change(s) will be made available at <https://pfd.hhs.texas.gov/rate-packets>.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of, or in addition to, oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail or hand delivered to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Copy of Proposed Amendment(s). To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21st, 2025.

The HHSC Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4330

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Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

For the in-person hearing, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (737) 867-7817 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501987

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Texas Home Living (TxHmL) Waiver Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Texas Home Living (TxHmL) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the TxHmL waiver application through February 28, 2027. The proposed effective date for this amendment is September 1, 2025.

HHSC clarifies an additional public notice of intent was posted on June 20, 2025 that provides information on the proposed attendant rate changes for this same amendment. This PNI serves as a notice of the cost limit amendment indicated below. This September 1, 2025 amendment contains both the rate and cost limit amendment.

The amendment proposes to make the following changes:

Appendix B: Participant Access and Eligibility

HHSC revised the language in Appendix B-2.a "individual cost limit".

TxHmL Program Overview

The TxHmL waiver provides services and supports to individuals with intellectual disabilities who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources.

Current services in the TxHmL waiver are employment readiness, respite, supported employment, prescription medications, financial management services, support consultation, adaptive aids, minor home modifications, audiology services, behavioral support, community support, dental treatment, dietary services, employment assistance, occupational therapy services, physical therapy services, nursing, speech-language pathology services, and individualized skills and socialization.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone,

fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21, 2025.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4330

Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202501982

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025



Public Notice: Texas Home Living (TxHmL) Waiver Program Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Texas Home Living (TxHmL) waiver program authorized under §1915(c) of the Social Security Act. CMS has approved the TxHmL waiver application through February 28, 2027. The requested effective date for the proposed amendment is September 1, 2025.

The amendment request proposes to make changes relating to the following appendices: B, C, D, I and J.

HHSC amended Appendix I and J of the waiver application based on the 2026-27 General Appropriations Act, Senate Bill 1, 89th Legislature, Regular Session, 2025, (Article II, HHSC, Rider 23).

HHSC amended Appendix B, C and D of the waiver to align with the CMS revised 1915(c) Home and Community-Based Services (HCBS) Waiver Application and Technical Guide released by CMS in December 2024.

Appendix B

HHSC selected the following Medicaid eligibility groups served in the waiver, based on CMS adding new checkboxes. Parents and Other Caretaker Relatives, Pregnant Women, and Infants and Children under Age 19.

Historically, HHSC had these groups listed in the "Other specified groups section," before there was a checkbox for these groups. With the additional checkboxes, HHSC removed the groups from the "Other specified groups." HHSC did not add any new eligibility groups to the waiver through this amendment. This change was to align with the CMS checkboxes.

Appendix C

HHSC to align with the CMS technical guide and waiver application changes, indicated services that are allowed via remote/telehealth delivery and updated the corresponding service definitions.

Services impacted by this update: Audiology Services, Behavioral Support, Dietary Services, Financial Management Services, Nursing, Occupational Therapy Services, Physical Therapy Services, and Speech-Language Pathology.

For each service listed above that may be delivered via remote/telehealth delivery, HHSC added the following language, "As appropriate for the individual and as permitted by service-specific requirements, the modalities for delivering the service include in person, synchronous audio-visual, and telephone. Program providers must defer to the needs of the individual receiving services and ensure the mode of service delivery is accessible, person-centered, and not driven by provider convenience. The service delivered using synchronous audio-visual technology must be clinically appropriate, safe, and agreed to by the individual receiving services or by the legally authorized representative (LAR). It must also conform to the privacy requirements under the Health Insurance Portability and Accountability Act. The individual or LAR must consent to the delivery of the service using synchronous audio-visual technology and the consent must be documented in the individual's record. Verbal consent is permissible and should also be documented in the individual's record. The program provider or CDS employer documents in the implementation plan that consent for the use of synchronous audio-visual technology has been obtained and documented in the individual's plan."

HHSC populated the new Remote/Telehealth Delivery of Waiver Services section. Language in this section includes: in-person requirements, how individual privacy is respected, HHSC community integration policy, successful delivery of services for persons who need hands on assistance/physical assistance, technology support, and ensuring individual health and safety.

To align with the CMS technical guide and waiver application changes, HHSC provided information in the new Home and Community-Based Settings (HCBS) section C-5 to provide a description of the settings in which the TxHmL services are received; description of the means by which HHSC ascertains that all waiver settings meet federal HCBS requirements, at the time of this submission and in the future as part of ongoing monitoring; attested to the requirements that each setting will meet; and that the waiver does not include provider-owned or controlled settings.

To align with the CMS technical guide and waiver application changes, in C-2 b, HHSC clarified the process for ensuring continuity of care for a waiver participant by adding a reference to 26 Texas Administrative Code (TAC) section 566, which requires in TxHmL settings when the provider agency removes a caregiver from an individual receiving services, the provider must ensure the individual continues to receive services. HHSC long-term care regulatory monitors provider agencies to ensure that services are provided as ordered or authorized.

In C-1 c, HHSC clarified the HCBS settings regulation and person-centered planning training requirements for the service coordinator.

In section C-2 g, HHSC checked the new CMS checkbox to indicate that HCBS may not be provided while an individual is an acute care hospital to align with existing policy.

Appendix D: Participant-Centered Planning and Service Delivery

To align with the CMS technical guide and waiver application changes, in D-1 a, HHSC provided information on the training requirements for the HCBS settings criteria and person-centered service plan development.

To align with the CMS technical guide and waiver application changes, in D-1 d ii, HHSC checked the boxes to attest to the information on the service plan HCBS settings requirements.

To align with the CMS technical guide and waiver application changes, in D-1 b and D-2 b, HHSC updated information in the Service Plan Development Safeguards and Service Plan Implementation and Monitoring sections to attest to the processes in place to ensure participant safeguards regarding the participants right to choose their provider, that there is a dispute resolution process, that HHSC has oversight of the process, the restriction on the entity that develops the service plan from providing services without approval from HHSC, and that HHSC attests that the agency that develops the service plan is administratively separate from the direct service provider functions.

Appendix I

The 2026-27 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC, Rider 23) provides appropriations for HHSC to increase the wage for personal attendants under Medicaid and other programs administered by HHSC and to discontinue the Attendant Compensation Rate Enhancement (ACRE) program effective September 1, 2025. The proposed amendment removes language about the ACRE program.

Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) for waiver years four (3/1/25-2/28/26) through five (3/1/26-2/28/27). The updated projections in appendix J account for rate increases for the following services provided by the waiver provider and through the Consumer Directed Services (CDS) option: Employment Assistance and Supported Employment, Respite (In Home and Out-of-Home), Individualized Skills and Socialization, Employment Readiness and Community Support.

HHSC also updated projections for the annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) for waiver years four through five in Appendix J.

The proposed rate changes in the amendment are estimated to result in an annual aggregate fee-for-service expenditure of \$93,284 for federal fiscal year 2025, consisting of \$55,970 in federal funds and \$37,314 in state general revenue. For federal fiscal year 2026, the estimated annual aggregate fee-for-service expenditure is \$2,678,293, consisting of \$1,602,423 in federal funds and \$1,075,870 in state general revenue. For federal fiscal year 2027, the estimated annual aggregate fee-for-service expenditure is \$2,693,590, consisting of \$1,611,575 in federal funds and \$1,082,015 in state general revenue. For federal fiscal year 2028, the estimated annual aggregate fee-for-service expenditure is \$2,884,192, consisting of \$1,725,612 in federal funds and \$1,158,580 in state general revenue.

TxHmL Program Overview

The TxHmL waiver provides services and supports to individuals with intellectual disabilities who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, and health

and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources.

Current services in the TxHmL waiver are employment readiness, respite, supported employment, prescription medications, financial management services, support consultation, adaptive aids, minor home modifications, audiology services, behavioral support, community support, dental treatment, dietary services, employment assistance, occupational therapy services, physical therapy services, nursing, speech-language pathology services, and individualized skills and socialization.

Rate Hearing. A rate hearing will be held on July 16, 2025, at 9:00 a.m. in Austin, Texas. The hearing will be held in the HHSC John H. Winters Building, Public Hearing Room 125W, First Floor, at 701 W. 51st Street, Austin, Texas 78751. Information and updates about the proposed rate change(s) will be made available at <https://pfd.hhs.texas.gov/rate-packets>.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of, or in addition to, oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail or hand delivered to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Copy of Proposed Amendment(s). To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 21st, 2025.

The HHSC Access and Eligibility Services for local benefits offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

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(512) 438-4330

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Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

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TX_Medicaid_Waivers@hhs.texas.gov

For the in-person hearing, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (737) 867-7817 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501986

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 11, 2025

◆ ◆ ◆

Department of State Health Services

Licensing Actions for Radioactive Materials

During the second half of April 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
DALLAS	SCANDINAVIAN FABRICATION USA LLC DBA SCANFAB	L07265	DALLAS	00	04/30/25
FRISCO	BAYLOR SCOTT & WHITE MEDICAL CENTERS GREATER NORTH TEXAS DBA BAYLOR SCOTT & WHITE MEDICAL CENTER FRISCO AT PGA PARKWAY	L07264	FRISCO	00	04/30/25

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AUSTIN	PROFESSIONAL SERVICE INDUSTRIES INC	L04947	AUSTIN	58	04/24/25
AUSTIN	CARDINAL HEALTH 414 LLC CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L02117	AUSTIN	103	04/25/25
AUSTIN	ST DAVIDS HEALTHCARE PARTNERSHIP LP LLP	L04910	AUSTIN	114	04/18/25
BEAUMONT	THE GOODYEAR TIRE & RUBBER COMPANY	L06063	BEAUMONT	08	04/22/25
BEAUMONT	EXXON MOBIL CORPORATION	L02316	BEAUMONT	58	04/24/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

CONROE	LAKE AREA CARDIOLOGY ASSOCIATES LLC	L06895	CONROE	02	04/29/25
DALLAS	RLS (USA) INC	L05529	DALLAS	65	04/22/25
DALLAS	TEXAS ONCOLOGY PA	L04878	DALLAS	77	04/28/25
HOUSTON	CDL NUCLEAR TECHNOLOGIES LLC	L07228	HOUSTON	02	04/22/25
HOUSTON	RLS (USA) INC	L05517	HOUSTON	37	04/23/25
LONGVIEW	TEXAS ONCOLOGY PA DBA LONGVIEW CANCER CENTER	L05017	LONGVIEW	33	04/25/25
PASADENA	PMC HOSPITAL LLC	L06384	PASADENA	13	04/17/25
POINT COMFORT	FORMOSA PLASTICS CORPORATION TEXAS	L03893	POINT COMFORT	66	04/30/25
SAN ANGELO	SHANNON MEDICAL CENTER	L02174	SAN ANGELO	88	04/22/25
SAN ANTONIO	METHODIST PHYSICIAN PRACTICES PLLC	L05675	SAN ANTONIO	27	04/25/25
THROUGHOUT TX	HVJ SOUTH CENTRAL TEXAS - M&J INC	L06858	AUSTIN	12	04/29/25
THROUGHOUT TX	FEDERAL NORM SERVICES LLC	L07063	DALLAS	03	04/17/25
THROUGHOUT TX	NUCLEAR SCANNING SERVICES INC	L04339	DICKINSON	38	04/17/25
THROUGHOUT TX	1836 ENGINEERING LLC	L07201	FORT WORTH	3	04/24/25
THROUGHOUT TX	1836 ENGINEERING LLC	L07201	FORT WORTH	04	04/29/25
THROUGHOUT TX	STERIGENICS US LLC	L03851	FORT WORTH	59	04/23/25
THROUGHOUT TX	CORE LABORATORIES LP	L03835	HOUSTON	70	04/24/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

THROUGHOUT TX	CARDINAL HEALTH 414 LLC DBA CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L01911	HOUSTON	175	04/22/25
THROUGHOUT TX	USFS LLC	L06795	LONGVIEW	4	04/28/25
THROUGHOUT TX	PROTECT LLC	L07110	MIDLAND	14	04/24/25
THROUGHOUT TX	BRAUN INTERTEC CORPORATION	L06681	TYLER	26	04/17/25

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AUSTIN	ARA ST DAVIDS IMAGING LP	L05862	AUSTIN	128	04/28/25
CONROE	CHEVRON PHILLIPS CHEMICAL COMPANY LP DBA DRILLING SPECIALTIES COMPANY A DIVISION OF CHEVRON PHILLIPS CHEMICAL COMPANY	L04825	CONROE	25	04/28/25
FORT WORTH	COOK CHILDRENS MEDICAL CENTER	L04518	FORT WORTH	42	04/28/25
LEWISVILLE	COLUMBIA MEDICAL CENTER OF LEWISVILLE SUBSIDIARY LP DBA MEDICAL CENTER OF LEWISVILLE	L02739	LEWISVILLE	89	04/23/25

RENEWAL OF LICENSES ISSUED: (continued)

ODESSA	TEXAS ONCOLOGY	L05140	ODESSA	27	04/28/25
SWEETWATER	ROLLING PLAINS MEMORIAL HOSPITAL	L02550	SWEETWATER	31	04/25/25
THROUGHOUT TX	TEXTERRA ENGINEERING LLC	L06689	CARROLLTON	13	04/29/25
THROUGHOUT TX	THE UNIVERSITY OF TEXAS MEDICAL BRANCH OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY	L01299	GALVESTON	125	04/22/25
THROUGHOUT TX	RADCOM ASSOCIATES LLC	L06676	GARLAND	04	04/22/25
THROUGHOUT TX	NEXTIER COMPLETION SOLUTIONS INC	L06712	HOUSTON	31	04/30/25
THROUGHOUT TX	LUBBOCK LABS	L01558	LUBBOCK	18	04/25/25

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	SHASHI BELLUR MD PA	L05728	HOUSTON	12	04/17/25
MCKINNEY	CANCER CENTER ASSOCIATES DBA RENA TARBET CANCER CENTER	L05952	MCKINNEY	16	04/21/25

TRD-202501943
 Cynthia Hernandez
 General Counsel
 Department of State Health Services
 Filed: June 6, 2025

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 Licensing Actions for Radioactive Materials

During the first half of May 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
FREERT	DSM NUTRITIONAL PRODUCTS LLC	L07266	FREERT	00	05/08/25
THROUGHOUT TX	APPLUS TECHNICAL SERVICES USA INC	L07267	HOUSTON	00	05/12/25

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ARLINGTON	TEXAS HEALTH ARLINGTON MEMORIAL HOSPITAL	L02217	ARLINGTON	128	05/02/25
AUSTIN	ASCENSION SETON MEDICAL CENTER DEPARTMENT OF RADIOLOGY	L00268	AUSTIN	179	05/05/25
CYPRESS	HEART CARE CENTER OF NORTHWEST HOUSTON PA	L05539	CYPRESS	24	05/05/25
DALLAS	TEXAS ONCOLOGY PA DBA TEXAS IMAGING AND INFUSION CENTER	L07148	DALLAS	02	05/02/25
DALLAS	BTDI JV LLP	L06580	DALLAS	07	05/14/25
DALLAS	TEXAS HEALTH PHYSICIANS GROUP DBA TEXAS HEALTH HEART AND VASCULAR SPECIALISTS	L06578	DALLAS	11	05/14/25
DALLAS	ALLIANCE GEOTECHNICAL GROUP INC	L05314	DALLAS	57	05/09/25
DEER PARK	EQUISTAR CHEMICALS LP	L00204	DEER PARK	81	05/13/25
EARTH	SAVAGE-TOLK CORPORATION	L02672	EARTH	33	05/07/25
EL PASO	DMS HEALTH TECHNOLOGIES INC	L05594	SIoux FALLS	36	05/12/25

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
FORT WORTH	TEXAS HEALTH PHYSICIANS GROUP DBA TEXAS HEALTH HEART AND VASCULAR SPECIALISTS	L06468	FORT WORTH	15	05/06/25
GRAPEVINE	BAYLOR REGIONAL MEDICAL CENTER AT GRAPEVINE DBA BAYLOR SCOTT & WHITE MEDICAL CENTER GRAPEVINE	L03320	GRAPEVINE	53	05/12/25
HOUSTON	TOPS SPECIALTY HOSPITAL LTD DBA TOPS SURGICAL SPECIALTY HOSPITAL	L05441	HOUSTON	29	05/12/25
HOUSTON	MEMORIAL HERMANN MEDICAL GROUP	L06430	HOUSTON	56	05/02/25
HOUSTON	HARRIS COUNTY HOSPITAL DISTRICT DBA HARRIS HEALTH	L01303	HOUSTON	116	05/12/25
HUMBLE	RAJIV AGARWAL MD PA DBA MODERN HEART AND VASCULAR INSTITUTE	L06991	HUMBLE	11	05/07/25
HUMBLE	RAJIV AGARWAL MD PA DBA MODERN HEART AND VASCULAR INSTITUTE	L06991	HUMBLE	12	05/14/25
JACKSONVILLE	JACKSONVILLE HOSPITAL LLC DBA UT HEALTH EAST TEXAS JACKSONVILLE HOSPITAL	L06962	JACKSONVILLE	04	05/12/25

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
LAKEWAY	SCOTT & WHITE HOSPITAL – ROUND ROCK DBA BAYLOR SCOTT & WHITE MEDICAL CENTER – LAKEWAY	L06849	LAKEWAY	11	05/05/25
LONGVIEW	EASTMAN CHEMICAL COMPANY	L00301	LONGVIEW	129	05/07/25
MCKINNEY	BAYLOR SCOTT & WHITE MEDICAL CENTERS – GREATER NORTH TEXAS DBA BAYLOR SCOTT & WHITE MEDICAL CENTER - MCKINNEY	L06470	MCKINNEY	20	05/09/25
MIDLOTHIAN	GERDAU AMERISTEEL US INC	L02015	MIDLOTHIAN	38	05/08/25
NACOGDOCHES	SHARED MEDICAL SERVICES INC	L06142	NACOGDOCHES	48	05/13/25
NEW BRAUNFELS	CHRISTUS SANTA ROSA HEALTH CARE CORPORATION DBA CHRISTUS SANTA ROSA HOSPITAL – NEW BRAUNFELS	L02429	NEW BRAUNFELS	57	05/12/25
NORTH RICHLAND HILLS	COLUMBIA NORTH HILLS HOSPITAL SUBSIDIARY LP DBA MEDICAL CITY NORTH HILLS	L02271	NORTH RICHLAND HILLS	94	05/12/25
PLANO	PHYSICIANS MEDICAL CENTER LLC DBA TEXAS HEALTH CENTER FOR DIAGNOSTICS & SURGERY PLANO	L06328	PLANO	06	05/14/25

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
SACHSE	COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY LP DBA MEDICAL CITY SACHSE A CAMPUS OF MEDICAL CITY PLANO	L07140	SACHSE	06	05/02/25
SAN ANTONIO	UROLOGY SAN ANTONIO PA	L06047	SAN ANTONIO	10	05/12/25
SAN ANTONIO	TEXAS BIOMEDICAL RESEARCH INSTITUTE	L00468	SAN ANTONIO	60	05/14/25
SAN ANTONIO	VHS SAN ANTONIO PARTNERS LLC DBA BAPTIST HEALTH SYSTEM	L00455	SAN ANTONIO	278	05/02/25
SHERMAN	HERITAGE PARK SURGICAL HOSPITAL LLC DBA BAYLOR SCOTT & WHITE SURGICAL HOSPITAL AT SHERMAN	L07123	SHERMAN	03	05/08/25
STAFFORD	ALOKI ENTERPRISE INC	L06257	STAFFORD	67	05/05/25
SUGAR LAND	TMH PHYSICIAN ORGANIZATION DBA METHODIST SUGAR LAND CARDIOLOGY ASSOCIATES	L06575	SUGAR LAND	08	05/14/25
SWEENY	CHEVRON PHILLIPS CHEMICAL COMPANY LP	L07130	SWEENY	05	05/14/25
TEXAS CITY	INEO STYROLUTION AMERICA LLC	L00354	TEXAS CITY	48	05/14/25
THE WOODLANDS	MILLENNIUM PHYSICIANS ASSOCIATION PLLC	L05901	THE WOODLANDS	16	05/06/25

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THE WOODLANDS	METHODIST HEALTH CENTER DBA HOUSTON METHODIST THE WOODLANDS HOSPITAL	L06861	THE WOODLANDS	26	05/12/25
THROUGHOUT TX	TEXAS ONCOLOGY PA	L07107	ABILENE	08	05/12/25
THROUGHOUT TX	CMT ASSOCIATES LLC	L06945	ARGYLE	07	05/06/25
THROUGHOUT TX	TEXAS MATERIALS GROUP INC	L06539	AUSTIN	12	05/02/25
THROUGHOUT TX	TEXAS DEPARTMENT OF STATE HEALTH SERVICES	L05865	AUSTIN	18	05/01/25
THROUGHOUT TX	IRISNDT INC	L06435	HOUSTON	38	05/05/25
THROUGHOUT TX	NUCLEAR SCANNING SERVICES INC	L04339	HOUSTON	39	05/14/25
THROUGHOUT TX	HALLIBURTON ENERGY SERVICES INC	L02113	HOUSTON	149	05/07/25
THROUGHOUT TX	NATIONAL OILWELL VARCO LP	L00287	HOUSTON	169	05/05/25
THROUGHOUT TX	AMERICAN DIAGNOSTIC TECH LLC	L05514	HOUSTON	176	05/08/25
THROUGHOUT TX	KLEINFELDER INC	L06960	IRVING	17	05/13/25
THROUGHOUT TX	WELLBORN ENGINEERING LLC DBA WELLBORN ENGINEERING AND SURVEYING	L07256	KERRVILLE	01	05/08/25
THROUGHOUT TX	EVERGREEN ENVIRONMENTAL SERVICES LLC	L06820	LA PORTE	03	05/02/25
THROUGHOUT TX	SCHLUMBERGER TECHNOLOGY CORPORATION	L06303	SUGAR LAND	33	05/13/25
TYLER	OBTYLER REGIONAL HOSPITAL LLC DBA UT HEALTH EAST TEXAS TYLER REGIONAL HOSPITAL	L06973	TYLER	13	05/14/25

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
TYLER	THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT TYLER	L04117	TYLER	73	05/13/25

RENEWAL OF LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
DALLAS	THE UNIVERSITY OF TEXAS AT DALLAS	L02114	DALLAS	74	05/05/25
DALLAS	THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L00384	DALLAS	147	05/08/25
HARLINGEN	TEXAS ONCOLOGY PA DBA SOUTH TEXAS CANCER CENTER	L00154	HARLINGEN	58	05/12/25
HOUSTON	TEXAS CHILDRENS HOSPITAL	L04612	HOUSTON	83	05/09/25
HOUSTON	MEMORIAL HERMANN HEALTH SYSTEM DBA MEMORIAL HERMANN MEMORIAL CITY MEDICAL CENTER	L01168	HOUSTON	208	05/09/25
THROUGHOUT TX	TIER 1 INTEGRITY LLC DBA OILPATCH NDT	L06718	PASADENA	29	05/14/25
THROUGHOUT TX	INTEGRATED TESTING AND ENGINEERING COMPANY OF SAN ANTONIO LP	L05150	SAN ANTONIO	22	05/09/25
THROUGHOUT TX	DYNAMIC ENGINEERING CONSULTANTS PLLC	L06684	SULPHUR SPRINGS	03	05/12/25

TRD-202501944
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: June 6, 2025

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Texas Department of Insurance
Notice of Rate Filing
Texas Automobile Insurance Plan Association

Description:

On April 21, 2025, the Texas Automobile Insurance Plan Association (TAIPA) filed a request to charge new insurance rates for private passenger auto and commercial auto coverage. TAIPA proposed an effective date of October 1, 2025, for new and renewal business. TAIPA filed amended requests on April 24, 2025, and June 5, 2025.

The commissioner of insurance will review the amended filing to determine whether TAIPA's proposed rates are just, reasonable, adequate, not excessive, not confiscatory, and not unfairly discriminatory for the risks covered, as required by Insurance Code §2151.201. TAIPA's proposed rates must also be sufficient to carry all claims to maturity and meet the expenses incurred in writing and servicing the business.

TAIPA's average proposed rate changes by coverage do not exceed 5%, so a hearing is not required by Insurance Code §2151.2041.

In accordance with Insurance Code §2151.2022(c), the commissioner and the association have agreed to extend the period by which the filing must be approved or disapproved by an additional 30 days. The filing must be approved or disapproved no later than July 20, 2025.

To Review, Request Copies, and Comment:

To review or get copies of TAIPA's rate filing:

Online: Go to www.tdi.texas.gov/rules/2025/exrules.html.

In person: You can review the filing at the Texas Department of Insurance, Office of the Chief Clerk, 1601 Congress Ave, Austin, Texas 78701. To schedule a time to review the materials in person, please email ChiefClerk@tdi.texas.gov.

By mail: Write to the Texas Department of Insurance, Office of the Chief Clerk, MC: GC-CCO, P.O. Box 12030, Austin, Texas 78711-2030.

To comment on the rate filing, send written comments by email to ChiefClerk@tdi.texas.gov or by mail to the Texas Department of Insurance, Office of the Chief Clerk, MC: GC-CCO, P.O. Box 12030, Austin, Texas 78711-2030. Hand-delivered comments must be directed to the Texas Department of Insurance, Office of the Chief Clerk, 1601 Congress Ave, Austin, Texas 78701, and can be delivered during regular business hours. Your comments must be received by 5:00 p.m., central time, on July 7, 2025.

TRD-202501992

Jessica Barta

General Counsel

Texas Department of Insurance

Filed: June 11, 2025

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Texas Department of Licensing and Regulation**Hearing Instrument Fitters and Dispensers Penalties and Sanctions**

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that at their regularly scheduled meeting held April 9, 2025, the Commission adopted the Texas Department of Licensing and Regulation's (Department) revised enforcement plan, which was established in compliance with Texas Occupations Code, §51.302(c).

The enforcement plan gives all license holders notice of the specific ranges of penalties and license sanctions that apply to specific alleged violations of the statutes and rules enforced by the Department. The enforcement plan also presents the criteria that are considered by the Department's Enforcement staff in determining the amount of a proposed administrative penalty or the magnitude of a proposed sanction. The enforcement plan is revised to include the penalty matrix for the Hearing Instrument Fitters and Dispensers program.

The penalty matrix for the Hearing Instrument Fitters and Dispensers program was last updated on August 18, 2017. Revisions to the matrix include (1) incorporating continuing education violations and (2) other cleanup to ensure correct rule and law citations and plain language.

The Hearing Instrument Fitters and Dispensers Advisory Board recommended approval of the penalty matrix at their meeting held March 4, 2025. The penalty matrix was presented to the Commission on April 9, 2025, and was adopted as recommended.

A copy of the revised enforcement plan is posted on the Department's website and may be downloaded at www.tdlr.texas.gov.

Hearing Instrument Fitters and Dispensers Penalties and Sanctions

Texas Occupations Code Chapter 402
16 Texas Administrative Code, Chapter 112

Class A

Penalty Range: Up to \$1,000

Administrative Violations

Violation	Statute/Rule
Failed to file a surety bond with the Department	402.404; 112.60(c)(1)
Failed to notify the Department in writing within thirty (30) days of a change in name, address, telephone number or employment	112.91
Failed to comply with federal regulations adopted by the U.S. Food and Drug Administration	112.96
Failed to maintain records on every client for five years from the date of last visit	112.140(d)

Posting and Public Information Violations

Violation	Statute/Rule
Failed to include Department information on the written contract(s) for services	402.152(b); 112.92(a)(1)
Failed to prominently display a sign containing Department information in the primary place of business	402.152(a); 112.92(a)(2)
Failed to prominently display hearing instrument fitter and dispenser license in the primary place of business	402.351; 112.93(a)(1)

Expired License Violations

Violation	Statute/Rule
Engaged in the fitting and dispensing of hearing instruments with an expired license	402.201; 112.32(i)
Acted as an apprentice in hearing instrument fitting and dispensing with an expired permit	402.201; 112.42(d)
Acted as temporary training permit holder in hearing instrument fitting and dispensing with an expired permit	402.201; 112.52(d)

Temporary Permit Holder Violations

Violation	Statute/Rule
Failed to notify the Department within 10 days of an applicant's transfer of supervision	112.53(f)

Supervisor Violations

Violation	Statute/Rule
Failed to supervise a temporary training permit holder in an established place of business	402.255(b)
Supervised more than two temporary training permit holders at one time	402.255(e); 112.53(j)
Failed to notify the Department within 10 days of an applicant's termination of supervision	402.252(b)(2); 112.53(e)

Standard of Care Violations

Violation	Statute/Rule
Failed to ensure adequate sound-level measurement as required	402.353; 112.97

Class B

Penalty Range: \$1,000 to \$3,000 and/or up to 1 year full suspension

Continuing Education Violations

Violation	Statute/Rule
Falsified copies of certificates, transcripts or other documentation satisfactory to the department, verifying the license holder's attendance, participation, and completion of continuing education courses	112.71(b)(2), (b)(3)

Temporary Permit Holders Violations

Violation	Statute/Rule
Acted as temporary training permit holder in hearing instrument fitting and dispensing without being supervised by a license holder	402.256(a); 112.53(a)

Apprentices Violations

Violation	Statute/Rule
Acted as an apprentice in hearing instrument fitting and dispensing without being supervised by a license holder	402.207(c); 112.43(a)

Supervisor Violations

Violation	Statute/Rule
Supervised an individual who did not hold a temporary training permit	112.53(b), (c)
Supervised a temporary training permit holder without a valid hearing instrument fitter and dispenser license	402.255(a)(1); 112.53(a);
Failed to supervise all work done by a temporary training permit holder	402.255(a)(3), (b) and (c)(1); 112.53(b), (k);
Failed to comply with all statutory guidelines and rules while supervising and/or training a temporary permit holder	402.254; 402.255; 112.53
Failed to provide to the permit holder materials and equipment necessary for appropriate audiometric and hearing instrument evaluation and fitting	402.255(c)(2)
Failed to supplement the permit holder's background information with reading lists and other references	402.255(c)(3)
Failed to conduct in-service training for the permit holder	402.255(c)(4)
Failed to act as a consultant to the permit holder by providing time for conferences for the permit holder and providing a variety of resource materials, approaches, and techniques that are based on sound theory, successful practice, or documented research	402.255(c)(5)
Failed to establish goals with the permit holder that are realistic, easily understandable, and directed toward the successful completion of the training requirements	402.255(c)(6)
Failed to observe the permit holder during the practicum, confer with the permit holder after the permit holder's contact with clients, and provide an opportunity for comment on the practicum experience in writing or through conferences, during and after the practicum experience	402.255(c)(7)
Failed to establish that the supervisor is solely responsible for the practicum and daily supervision of the permit holder	402.255(c)(8)
Failed to know and adhere to state and federal laws relating to hearing instrument fitting and dispensing	402.255(c)(10)
Failed to assist the permit holder in fulfilling licensing requirements	402.255(c)(11)
Failed to maintain a log of the contact hours by practicum category on a form prescribed by the department	402.255(d); 112.53(i)
Failed to submit verification to the department upon completion of 150 contact hours	402.255(d); 112.53(i)

Unlicensed Activity Violations

Violation	Statute/Rule
Acted as an apprentice or trained under the supervision of a licensed hearing fitter and dispenser without holding an apprentice or temporary training permit	402.201; 402.208; 402.251 112.41; 112.51

Standard of Care Violations

Violation	Statute/Rule
Failed to comply with client confidentiality rights within the limits established by the law	112.98(b), (c)(2)
Failed to refer a client for those services that the license holder or permit holder is unable to provide	112.98(b), (c)(3)
Failed to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA)	112.98(b), (c)(4)
Failed to ensure that all equipment used is in proper working order and is properly calibrated	112.98(b), (c)(5)
Misrepresented his or her professional credentials and/or qualifications	112.98(b), (d)(3)
Failed to follow guidelines for the 30-day trial period	112.140(b)
Sold a hearing instrument to a person under 18 years of age without a parent or guardian presenting a required written approval signed by a licensed physician specializing in diseases of the ear	402.402

Prohibited Practice Violations

Violation	Statute/Rule
Failed to clearly disclose name, business address and the purpose of the communication when making a telephone solicitation	402.451(b)(1); 112.98(b)
Used or purchased for use a list of names of potential customers compiled by telephone by a person other than the license or permit holder, the license or permit holder's authorized agent, or another license or permit holder	402.451(b)(2); 112.98(b)
Advertised a manufacturer's product or uses a manufacturer's name or trademark in a way that implies a relationship between a license or permit holder and a manufacturer that does not exist	402.501(20)

Standard of Care – Tele practice Violations

Violation	Statute/Rule
Rendered telehealth services without first being authorized to do so by the Department	112.132(b)
Used inappropriate telecommunication technology to provide telehealth services	112.132(e)(3)(A)

Violation	Statute/Rule
Failed to monitor the client and oversee and direct the facilitator at all times during the telehealth session	112.132(d)(5)
Failed to verify and document the facilitator's qualifications, training, and competence prior to allowing the facilitator to assist with rendering telehealth services	112.132(d)(3)
Allowed facilitator to perform tasks at the client site not approved by the Department	112.132(d)(4)
Rendered telehealth services to a client without a qualified facilitator when a facilitator was required to ensure safe and effective service to the client	112.132(d)(6)
Provided telehealth service when telecommunications technology and equipment at client site were inadequate to allow quality fitting and dispensing services	112.132(e)(3)
Failed to provide professional services during a telehealth session as in person at a physical location	112.132(e)(3)(C)
Failed to comply with all laws, rules, and regulations governing the maintenance of client records, including client confidentiality requirements regarding telehealth services	112.132(g)(1)

Class C

Penalty Range: \$1,000 to \$5,000 and/or up to revocation

Contract Violations

Violation	Statute/Rule
Failed to provide client with a written contract that contains the required information upon the sale or change of a hearing instrument	402.403; 112.140(c)

Standard of Care Violations

Violation	Statute/Rule
Failed to try to obtain required information on each prospective candidate for amplification	402.352; 112.95
Offered services that are outside the scope of his or her professional competency	112.98(b), (c)(1)
Performed an act that requires a license from the Texas Optometry Board or the Texas Medical Board	402.451(b)(3)
Treated the ear in any manner for any defect or administer any drug or physical treatment without holding a physician's license issued by the Texas Medical Board	402.453(a); 112.98(b)

Professional Conduct Violations

Violation	Statute/Rule
Made a material misstatement in furnishing information to the Department or to another state or federal agency	402.501(1)
Convicted of a felony or misdemeanor that includes dishonesty as an essential element or of a crime directly related to the practice of fitting and dispensing hearing instruments	402.501(3)
Aided or assisted another person in violating a Law or Rule	402.501(6)
Failed to provide information in response to a written request made by the department within 60 days	402.501(7)
Knowingly employed, hired, procured, or induced an unlicensed person to fit and dispense hearing instruments	402.501(8)
Aided an unlicensed person in the fitting or dispensing of hearing instruments	402.501(9)
Received from a person a fee, commission, rebate, or other form of compensation for a service not actually provided	402.501(11)
Violated a term of probation	402.501(12)
Has a physical illness that results in the inability to practice the profession with reasonable judgment, skill, or safety, including the deterioration or loss of motor skills through aging	402.501(14)
Participated in subterfuge or misrepresentation in the fitting or dispensing of a hearing instrument	402.501(16)
Falsely represented that the service of a licensed physician or other health professional will be used or made available in the fitting, adjustment, maintenance, or repair of a hearing instrument	402.501(18)
Falsely used the term "doctor," "audiologist," "clinic," "clinical audiologist," "state licensed," "state certified," "licensed hearing instrument dispenser," "board certified hearing instrument specialist," "hearing instrument specialist," or "certified hearing aid audiologist"	402.501(19); 112.98(d)(3)
Used a term, abbreviation, or symbol that falsely gives the impression that: a service is being provided by a person who is licensed or has been awarded a degree or title	402.501(19)(A); 112.98(d)(3)
Used a term, abbreviation, or symbol that falsely gives the impression that: the person providing a service has been recommended by a government agency or health provider	402.501(19)(B)
Gave or offered to give, or permitted or caused to be given, money or another thing of value to a person who advises others in a professional capacity as an inducement to influence the person to influence the others to purchase or contract to purchase products sold or offered for sale by the license or permit holder	402.501(21)(A)
Gave or offered to give, or permitted or caused to be given, money or another thing of value to a person who advises	402.501(21)(B)

Violation	Statute/Rule
others in a professional capacity as an inducement to influence the person to influence the others to refrain from purchasing or contracting to purchase products sold or offered for sale by another license or permit holder	
With fraudulent intent fitted and dispensed a hearing instrument under a name, including a false name or alias	402.501(22)
Did not adequately provide for the service or repair of a hearing instrument fitted and sold by the license holder	402.501(23)
Violated a regulation of the federal Food and Drug Administration or the Federal Trade Commission relating to hearing instruments	402.501(24)
Engaged in sexual contact or sexual exploitation with a client	112.98(b), (d)(4)
Failed to observe or comply with the hearing fitters code of ethics by falsifying records; Willfully made or filed a false record or report	402.501(13); 112.98(b), (d)(1)
Refused to provide services solely on the basis of a client's age, gender, race, color, religion, national origin, or disability	112.98(b), (d)(2)
Provided services while impaired due to the use of medication, drugs, or alcohol, or a physical or mental health condition	112.98(b), (d)(5)
Altered a license with the intent to defraud	402.451(a)(2); 112.98(b)
Falsely impersonated a license holder	402.451(a)(4); 112.98(b)

Advertising Violations

Violation	Statute/Rule
Solicited a service by advertising that is false, misleading or deceptive	402.103; 402.501(15); 112.94;
Knowingly advertised for sale a model or type of hearing instrument that cannot be purchased	402.103; 402.501(17); 112.94

Unlicensed Activity Violations

Violation	Statute/Rule
Engaged in the fitting and dispensing of hearing instruments without an appropriate license	402.201
Represented that he/she is authorized to engage in the fitting and dispensing of hearing instruments without an appropriate license	402.201

Violation	Statute/Rule
Owned, managed, or independently operated a business that engages in the fitting or sale of hearing instruments holding only a temporary training permit	402.256(b)(1);
Advertises or otherwise represented that he/she holds a hearing fitter and dispenser license, while holding only a temporary training permit	402.256(b)(2);

Continuing Education Violations

Violation	Statute/Rule
Failed to maintain continuing education records applied toward a license renewal for two years after the date the license renewal is issued	60.701(b)(2)
Failed to submit to the department continuing education records within 30 calendar days after notification of an audit	60.701(c)(2), (d)(1)
Failed to complete all deficient continuing education within 90 calendar days after notification of deficiency	60.701(c)(4), (d)(4)
Provided false information during the audit or renewal process	60.701(d)(2)
Was deficient in the continuing education required for the most recent renewal of the license	60.701(d)(3)

Class D

Penalty Range: \$5,000 and/or up to revocation

Violation	Statute/Rule
Obtained or attempted to obtain a license by fraud, misrepresentation, or concealment of material fact	402.451(a)(1); 402.451(a)(3); 402.501(4); 60.23(a)(1);
Falsified any document submitted to the department or commission	60.23(a)(2)
Permitted the use or display of a license by a person not authorized by law to use that license	60.23(a)(3)
Failed to comply with a previous order of the Commission or Executive Director	51.353(a);112.98(c)(6); 60.23(a)(5)
Failed to comply with exam security requirements	60.54
Failed to pay the Department for a dishonored payment or processing fee	60.82
Interfered with an investigation or disciplinary proceeding by willful misrepresentation or omission of facts or by use of threats or harassment; Failed to cooperate with an investigation or inspection	112.98(b), (d)(6); 60.203(c)

Violation	Statute/Rule
Acted professionally incompetent or engaged in malpractice or dishonorable, unethical, or unprofessional conduct that likely deceived, defrauded, or harmed the public	402.501(5)
Habitually intoxicated or addicted to a controlled substance	402.501(10)
Engaged in the fitting and dispensing of hearing instruments when with a suspended or revoked license	402.451(a)(5); 112.98(b)

TRD-202501965
 Courtney Arbour
 Executive Director
 Texas Department of Licensing and Regulation
 Filed: June 10, 2025

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Public Utility Commission of Texas

Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on June 6, 2025, for recovery of universal service funding under Public Utility Regulatory Act (PURA) § 56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Blossom Telephone Company to Recover Funds from the Texas Universal Service Fund under PURA § 56.025 and 16 TAC §26.406 for Calendar Year 2024, Docket Number 58218.

The Application: Blossom Telephone Company seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Blossom Telephone Company for 2024. Blossom Telephone Company requests that the Commission allow recovery of funds from the TUSF in the amount of \$263,577 for 2024 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. A deadline for intervention in this proceeding will be established. All comments should reference Docket Number 58218.

TRD-202501954
 Andrea Gonzalez
 Rules Coordinator
 Public Utility Commission of Texas
 Filed: June 10, 2025

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Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on June 6, 2025, for recovery of universal service funding under Public Utility Regulatory Act (PURA) §56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Blossom Telephone Company, Inc. to Recover Funds from the Texas Universal Service Fund under PURA §56.025 and 16 TAC §26.406 For Calendar Year 2022, Docket Number 58216.

The Application: Blossom Telephone Company seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Blossom Telephone Company for 2022. Blossom Telephone Company requests that the Commission allow recovery of funds from the TUSF in the amount of \$151,703 for 2022 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. A deadline for intervention in this proceeding will be established. All comments should reference Docket Number 58216.

TRD-202501958
 Andrea Gonzalez
 Rules Coordinator
 Public Utility Commission of Texas
 Filed: June 10, 2025

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Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on June 6, 2025, for recovery of universal service funding under Public Utility Regulatory Act (PURA) § 56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Blossom Telephone Company, Inc. to Recover Funds from the Texas Universal Service Fund under PURA § 56.025 and 16 TAC §26.406 for Calendar Year 2023, Docket Number 58217.

The Application: Blossom Telephone Company seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Blossom

Telephone Company for 2023. Blossom Telephone Company requests that the Commission allow recovery of funds from the TUSF in the amount of \$124,638 for 2023 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing

7-1-1. A deadline for intervention in this proceeding will be established. All comments should reference Docket Number 58217.

TRD-202501972

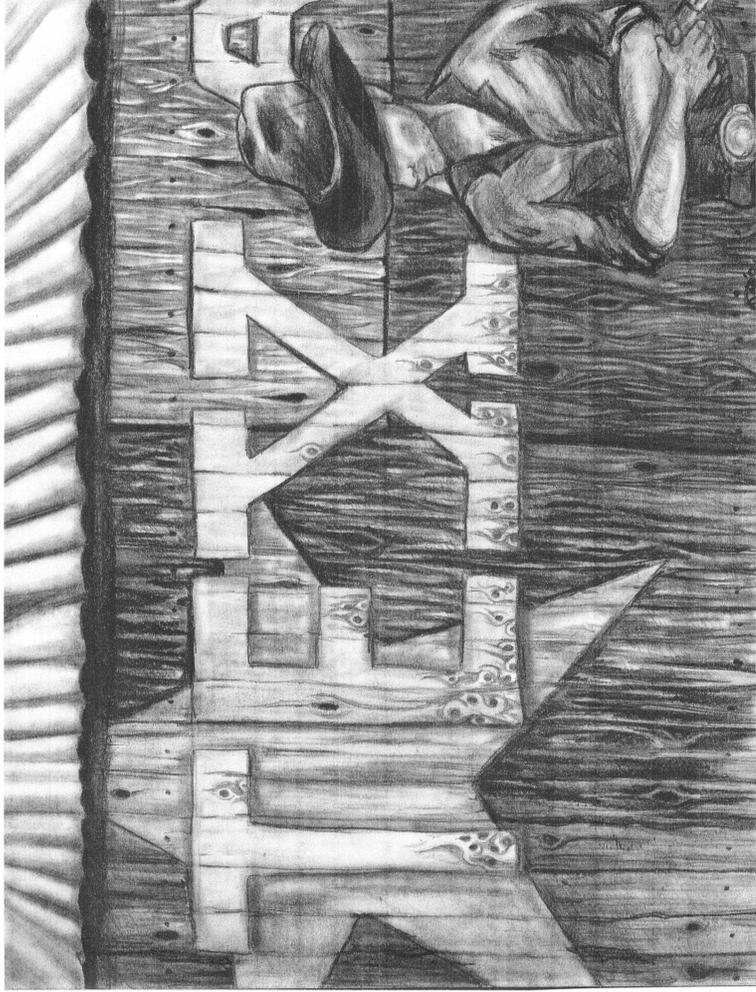
Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: June 11, 2025





How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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