

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 370, State Children's Health Insurance Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 370, State Children's Health Insurance Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 370" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402500

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 5, 2024



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 380, Medical Transportation Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 380, Medical Transportation Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to MCSRulesPublicComments@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 380" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402508

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 6, 2024



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 131, Freestanding Emergency Medical Care Facilities

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 131, Freestanding Emergency Medical Care Facilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HCR_PRU@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 131" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402526

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 7, 2024



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 138, Disposition of Embryonic and Fetal Tissue Remains

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 138, Disposition of Embryonic and Fetal Tissue Remains, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HCR_PRU@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 138" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402527
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 7, 2024



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 139, Abortion Facility Reporting and Licensing

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 139, Abortion Facility Reporting and Licensing, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HCR_PRU@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 139" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402528

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 7, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 200, Reporting of Health Care-Associated Infections and Preventable Adverse Events

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 200, Reporting of Health Care-Associated Infections and Preventable Adverse Events, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HAITexas@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 200" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402565
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 11, 2024



Texas Health and Human Services Commission

Title 26, Part 1

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

Chapter 506, Special Care Facilities

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 506, Special Care Facilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HCR_PRU@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 506" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402525

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 7, 2024



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

Chapter 510, Private Psychiatric Hospitals and Crisis Stabilization Units

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 510, Private Psychiatric Hospitals and Crisis Stabilization Units, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HCR_PRU@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 510" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402524

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 7, 2024



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

Chapter 745, Licensing

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 745, Licensing, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to CCRRules@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 745" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402523

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 7, 2024



Texas Juvenile Justice Department

Title 37, Part 11

The Texas Juvenile Justice Department (TJJD) proposes the review of Title 37, Texas Administrative Code, Chapter 380, Subchapter C (concerning Program Services), Subchapter D (concerning Youth Rights and Remedies), Subchapter E (concerning Behavior Management and Youth Discipline), Subchapter F (concerning Security and Control), and Subchapter G (concerning General Provisions), in accordance with §2001.039, Texas Government Code.

An assessment will be made by TJJD to determine whether the reasons for adopting or re-adopting the rules in the given subchapters continue to exist and whether the rules reflect current legal and policy considerations and current TJJD procedure.

Comments on the review may be submitted within 30 days after publication of this notice to Texas Juvenile Justice Department, Policy and Standards Section, P.O. Box 12757, Austin, Texas 78711, or via email to policy.proposals@tjjd.texas.gov.

TRD-202402518

Jana L. Jones
General Counsel
Texas Juvenile Justice Department
Filed: June 6, 2024



Texas Commission on Fire Protection

Title 37, Part 13

The Texas Commission on Fire Protection (the Commission) files this notice of intention to review and consider for re-adoption, revision, or repeal of, Texas Administrative Code, Title 37, Part 13, Chapter 401, concerning Practice and Procedure. Chapter 401 consists of Subchapter A, General Provisions and Definitions, §401.1, Purpose and Scope, §401.3, Definitions, §401.5, Delegation of Authority, §401.7, Construction, §401.9, Records of Official Action, §401.11, Conduct of Commission and Advisory Meetings, §401.13, Computation of Time, §401.15, Agreements To Be in Writing; Subchapter B, Rulemaking Proceedings, §401.17, Requirements, §401.19, Petition for Adoption of Rules; Subchapter C, Examination Appeals Process, §401.21, Examination Challenge, §401.23, Examination Waiver Request; Subchapter D, Disciplinary Proceedings, §401.31, Disciplinary Proceedings in Contested Cases; Subchapter E, Prehearing Proceedings, §401.41, Preliminary Staff Conference; Subchapter F, Contested Cases, §401.51, Opportunity for Hearing, §401.53, Contested Case Hearing, §401.57, Filing of Exceptions and Replies to Proposal for Decision, §401.59, Orders, §401.61, Record, §401.63, Final Decision and Orders, §401.67, Motions for Rehearing; Subchapter G, Conduct and Decorum, Sanctions, and Penalties, §401.105, Administrative Penalties; Subchapter H, Reinstatement, §401.111, Application for Reinstatement of License or Certificate, §401.113, Evaluation for

Reinstatement, §401.115, Procedure upon Request for Reinstatement, §401.117, Commission Action Possible upon Reinstatement, §401.119, Failure to Appear for Reinstatement; Subchapter I, Notice and Processing Periods for Certificate Applications, §401.121, Purpose of Establishing Time Periods, §401.123, Notice of Deficiency, §401.125, Processing Periods, and §401.127, Appeal; Subchapter J, Charges for Public Records, §401.129, Charges for Public Records; and Subchapter K, Historically Underutilized Businesses, §401.131, Historically Underutilized Businesses.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Commission, which administers these rules, believes that the reason for the rules contained in this chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Frank King, General Counsel, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at frank.king@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

TRD-202402529
Frank King
General Counsel
Texas Commission on Fire Protection
Filed: June 7, 2024

The Texas Commission on Fire Protection (the Commission) files this notice of intention to review and consider for re-adoption, revision, or repeal of, the Texas Administrative Code, Title 37, Part 13, Chapter 403, concerning Criminal Convictions and Eligibility for Certification. Chapter 403 consists of §403.1 Purpose, §403.3, Scope, §403.5, Access to Criminal History Record Information, §403.7, Criminal Convictions Guidelines, §403.9 Mitigating Factors, §403.11, Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds, §403.15, Report of Convictions by an Individual or Department.

This review will be conducted pursuant to Texas Government Code §2001.039. The Commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Commission, which administers these rules, believes the reason for the rules contained in this chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Frank King, General Counsel, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email to frank.king@tcfp.texas.gov. Any proposed changes to the rules 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 the required public comment period prior to final adoption or repeal by the commission.

TRD-202402530
Frank King
General Counsel
Texas Commission on Fire Protection
Filed: June 7, 2024

The Texas Commission on Fire Protection (the Commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 421, concerning Standards for Certification. Chapter 421 consists of §421.1, Procedures for Meetings, §421.3, Minimum Standards Set by the Commission, §421.5, Definitions, §421.9, Designation of Fire Protection Duties, §421.11, Requirement to Be Certified Within One Year, §421.13, Individual Certificate Holders, §421.15, Extension of Training Period, and §421.17, Requirement to Maintain Certification.

This review will be conducted pursuant to Texas Government Code §2001.039. The Commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Commission, which administers these rules, believes that the reason for the rules contained in this chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Frank King, General Counsel, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at frank.king@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

TRD-202402531
Frank King
General Counsel
Texas Commission on Fire Protection
Filed: June 7, 2024

The Texas Commission on Fire Protection (the Commission) files this notice of intention to review and consider for re-adoption, revision, or repeal of the Texas Administrative Code, Title 37, Part 13, Chapter 449, concerning Head of a Fire Department. Chapter 449 consists of Subchapter A, Minimum Standards For Head of a Suppression Fire Department, §449.1, Minimum Standards for the Head of a Suppression Fire Department, §449.3, Minimum Standards for Head of a Suppression Fire Department Certification, and Subchapter B, Minimum Standards for Head of a Prevention Only Fire Department, §449.201, Minimum Standards for the Head of a Prevention Only Department, and §449.203, Minimum Standards for Head of a Prevention Only Fire Department Certification.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Commission, which administers these rules, believes that the reason for the rules contained in this chapter continues to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Frank King, General Counsel, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas 78768-2286 or by email at frank.king@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

TRD-202402532

Frank King
General Counsel
Texas Commission on Fire Protection
Filed: June 7, 2024

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Adopted Rule Reviews

Texas State Library and Archives Commission

Title 13, Part 1

The Texas State Library and Archives Commission (commission) has completed its review of Texas Administrative Code, Title 13, Part 1, Chapter 4, concerning School Library Programs, consisting of §4.1, School Library Programs: Standards and Guidelines for Texas, and §4.2, School Library Programs: Collection Development Standards, in accordance with Texas Government Code §2001.039.

The commission published its Notice of Intent to Review these rules in the April 26, 2024, issue of the *Texas Register* (49 TexReg 2789). The commission received one comment on the proposed rule review from the Texas Library Association (TLA).

Comment: TLA commented that the school library program standards and collection development standards form the foundation of highly effective school library programs which positively impact student achievement. TLA also noted that the need for school library program standards and guidelines, and the support the commission provides to school libraries in these areas, is essential and should continue.

Response: The commission appreciates the comment.

As a result of the review, the commission finds that the reasons for initially adopting the rules continue to exist and readopts the rules in accordance with the requirements of Government Code, §2001.039.

This concludes the commission's review of Chapter 4 as required by Government Code, §2001.039.

TRD-202402551
Sarah Swanson
General Counsel
Texas State Library and Archives Commission
Filed: June 10, 2024

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The Texas State Library and Archives Commission (commission) has completed its review of Texas Administrative Code, Title 13, Part 1, Chapter 8, concerning TexShare Library Consortium, consisting of §8.1, Definitions; §8.2, Purpose; §8.3, Consortium Membership and Affiliated Membership; §8.4, Advisory Board; and §8.5, Programs; in accordance with Texas Government Code §2001.039.

The commission published its Notice of Intent to Review these rules in the April 26, 2024, issue of the *Texas Register* (49 TexReg 2789). The commission received one comment on the proposed rule review from the Texas Library Association (TLA).

Comment: TLA commented that the TexShare Library Consortium's statewide resource sharing programs, and the support TSLAC provides to consortium members, are essential to meeting the educational, informational, and economic needs of Texans.

Response: The commission appreciates the comment.

As a result of the review, the commission finds that the reasons for initially adopting the rules continue to exist and readopts the rules in accordance with the requirements of Government Code, §2001.039.

This concludes the commission's review of Chapter 8 as required by Government Code, §2001.039.

TRD-202402552
Sarah Swanson
General Counsel
Texas State Library and Archives Commission
Filed: June 10, 2024

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Texas Juvenile Justice Department

Title 37, Part 11

The Texas Juvenile Justice Department (TJJJ) has completed its review of Title 37, Texas Administrative Code, Chapter 380, Subchapter A: Admission, Placement, Release, and Discharge, in accordance with §2001.039, Government Code. TJJJ published its Notice of Intent to Review these rules in the August 25, 2023, issue of the *Texas Register* (48 TexReg 4677). TJJJ received no public comments on the proposed rule review.

As a result of the review, TJJJ finds the reasons for adopting the following rules continue to exist and readopts them: §380.8501, Definitions; §380.8502, Legal Requirements for Admission; §380.8505, Initial Assessment; §380.8521, Facility Assignment System; §380.8524, Assessment for Safe Housing Placement; §380.8525, Minimum Length of Stay/Minimum Period of Confinement; §380.8527, Program Restriction Levels; §380.8531, Temporary Admission Awaiting Transportation; §380.8533, Temporary Admission Awaiting Permanent Placement; §380.8535, Undocumented Foreign Nationals; §380.8539, Home Placement; §380.8545, Movement before Program Completion; §380.8555, Program Completion for Non-Sentenced Offenders; §380.8557, Release Review Panel; §380.8559, Program Completion for Youth with Determinate Sentences; §380.8565, Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence; §380.8569, Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder; §380.8581, Supervision Levels in Parole Home Placement; §380.8583, Financial Support for Reentry; and §380.8595, Parole Completion and Discharge

In addition, TJJJ finds the reasons for adopting the following rule continue to exist but with amendments needed: §380.8503, Intake and Admission Process.

Amendments will be proposed in a future issue of the *Texas Register*. This concludes TJJJ's review of Texas Administrative Code, Chapter 380, Subchapter A: Admission, Placement, Release, and Discharge.

TRD-202402517
Jana L. Jones
General Counsel
Texas Juvenile Justice Department
Filed: June 6, 2024