

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 352, Medicaid and Children's Health Insurance Program Provider Enrollment

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 352, Medicaid and Children's Health Insurance Program Provider Enrollment, 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 352" 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The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings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-202402693

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 19, 2024



Department of State Health Services

Title 25, Part 1

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

Chapter 103, Injury Prevention and Control

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 103, Injury Prevention and Control, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to injury.web@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 103" 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-202402600

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: June 13, 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 re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 241, Shellfish Sanitation

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 241, Shellfish Sanitation, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to Seafood.Regulatory@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 241" 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-202402649
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 17, 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 419, Mental Health Services--Medicaid State Operating Agency Responsibilities

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

Comments on the review of Chapter 419, Mental Health Services--Medicaid State Operating Agency Responsibilities, 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 419" 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-202402650
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 17, 2024



Adopted Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 391, Purchase of Goods and Services by the Texas Health and Human Services Commission

Notice of the review of this chapter was published in the January 26, 2024, issue of the *Texas Register* (49 TexReg 423). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 391 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 391. Any amendments, if applicable, to Chapter 391 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 391 as required by the Texas Government Code §2001.039.

TRD-202402673
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 18, 2024



The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 396, Employee Training and Education

Notice of the review of this chapter was published in the May 3, 2024, issue of the *Texas Register* (49 TexReg 3021). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 396 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 396. Any amendments, if applicable, to Chapter 396 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 396 as required by the Texas Government Code §2001.039.

TRD-202402585
Jessica Miller
Director, Rules coordination Office
Texas Health and Human Services Commission
Filed: June 13, 2024



Public Utility Commission of Texas

Title 16, Part 2

The Public Utility Commission of Texas (commission) readopts Texas Administrative Code (TAC), Chapter 27, Rules for Administrative Services, under Administrative Procedure Act (APA), Texas Government Code §2001.039, Agency Review of Existing Rules. The notice of intention to review Chapter 27 was published in the *Texas Register* on April 26, 2024 at 49 TexReg 2789.

APA §2001.039 requires that each state agency review its rules every four years and readopt, readopt with amendments, or repeal the rules adopted by that agency pursuant to the Texas Government Code, Chapter 2001. Such reviews must include, at a minimum, an assessment by the agency as to whether the reason for adopting or readopting the rules continues to exist. The commission has completed the review of the rules in Chapter 27 pursuant to APA § 2001.039 and finds that the reasons for adopting the rules in Chapter 27 continue to exist. Based on this review and comments received, the commission readopts the chapter with several amendments which will be published in the Adopted Rules section of the *Texas Register*.

The commission has completed the review of Chapter 27 as required by Texas Government Code §2001.039 and has determined that the reasons for initially adopting the rules in Chapter 27 continue to exist. Therefore, the commission re-adopts Chapter 27, Rules for Administrative Services, in its entirety, under PURA, Texas Utilities Code Annotated §14.002 which requires the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdic-

tion and Texas Government Code §2001.039, which requires each state agency to review and re-adopt its rules every four years.

Cross reference to Statutes: PURA §14.002 and Texas Gov't. Code §2001.039.

TRD-202402594
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: June 13, 2024



Department of State Health Services

Title 25, Part 1

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

Chapter 96, Bloodborne Pathogen Control

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

HHSC and DSHS have reviewed Chapter 96 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 rules in the chapter continue to exist and readopts Chapter 96 except for:

- §96.302, Device Registration;
- §96.303, Registration Procedures; and
- §96.304, Registration Fees.

The identified repeals and any amendments, if applicable, to Chapter 96 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and DSHS' review of 25 TAC Chapter 96 as required by the Texas Government Code §2001.039.

TRD-202402654
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 17, 2024



Texas 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 8, Peer Assistance Programs for Impaired Professionals

Notice of the review of this chapter was published in the April 12, 2024, issue of the *Texas Register* (49 TexReg 2323). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 8 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 8. Any amendments, if applicable, to Chapter 8 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 8 as required by the Texas Government Code §2001.039.

TRD-202402595
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 13, 2024



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 355, Epilepsy Program

Notice of the review of this chapter was published in the April 19, 2024, issue of the *Texas Register* (49 TexReg 2551). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 355 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 355. Any amendments, if applicable, to Chapter 355 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 355 as required by the Texas Government Code §2001.039.

TRD-202402646
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 17, 2024



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 749, Minimum Standards for Child-Placing Agencies

Notice of the review of this chapter was published in the April 26, 2024, issue of the *Texas Register* (49 TexReg 2790). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 749 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 rules in the chapter continue to exist and readopts Chapter 749. Any amendments, if applicable, to Chapter 749 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 749 as required by the Texas Government Code §2001.039.

TRD-202402694

Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 19, 2024



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 86, Special Provisions for Contested Case Hearings, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6922).

The review assessed whether the initial reasons for adopting the rules continue to exist, and TCEQ has determined that those reasons exist. The rules in Chapter 86 are required because Chapter 86, Subchapter A indicates that the chapter supplements 30 TAC Chapter 80 (Contested Case Hearings) by providing specific procedures for particular types of hearings. In the event of conflicting provisions, Chapter 86 prevails over Chapter 80.

Chapter 86, Subchapter B provides procedures for the water rights adjudications that were conducted by TCEQ and predecessor agencies under Texas Water Code (TWC), Chapter 11 starting in 1977. Although TCEQ has completed all adjudications for the state, there are still some pending claims in court.

Chapter 86, Subchapter D provides procedures for petitions by affected persons to TCEQ claiming that a city's rulings, orders, or other acts relating to water pollution control and abatement outside the corporate limits of such city and adopted under TWC, §26.177, or any statutory authorization, are invalid, arbitrary, unreasonable, inefficient, or ineffective in the city's attempt to control water quality. This action is specifically allowed under TWC, §26.177(d). Because TWC, §26.177(d) still exists, Chapter 86, Subchapter D is still needed.

Public Comment

The public comment period closed on December 28, 2023. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 86 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202402622
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: June 14, 2024



Texas Department of Criminal Justice

Title 37, Part 6

The Texas Board of Criminal Justice (board) has completed the review of §151.77, Purchasing and Contracting with Historically Underuti-

lized Businesses; §155.21, Naming of a Texas Department of Criminal Justice Owned Facility; §163.3, Objectives; §163.5, Waiver to Standards; §163.25, Strategic Plan; and §195.71, Drug and Alcohol Testing Program, in accordance with Texas Government Code §2001.039. Notice of the rule review was published in the April 19, 2024, issue of the *Texas Register* (49 TexReg 2551). No comments were received regarding the rule review.

An assessment was made by the board who determined the reasons for initially adopting the rules continue to exist and readopts the rules without changes. This concludes the board's review of §§151.77, 155.21, 163.3, 163.5, 163.25, and 195.71.

TRD-202402655
Stephanie Greger
General Counsel
Texas Department of Criminal Justice
Filed: June 17, 2024



Texas Workforce Investment Council

Title 40, Part 22

The Texas Workforce Investment Council (Council) has completed the rule review of Title 40, Texas Administrative Code (TAC), Part 22, Chapter 901, Designation and Redesignation of Local Workforce Development Areas; Rule §901.1, Procedures for Considering Redesignation of Workforce Development Areas; and Rule §901.2, Appeal of Decision on Designation or Redesignation (40 TAC §901.1 and §901.2). The review was conducted in accordance with Texas Government Code §2001.039.

Notice of the review 40 TAC §901.1 and §901.2 was published in the March 1, 2024, issue of the *Texas Register* (49 TexReg 1290). No public comments were received in response to that notice. The Council considered whether the reasons for initially adopting the rules continue to exist.

In reviewing the rules, the Council determined that the reasons for initially adopting the rules continue to exist, the rules are not obsolete, and the rules reflect the current procedures of the Council. No changes are proposed to the rules as a result of the review. The Council readopts 40 TAC §901.1 and §901.2 without changes in accordance with Texas Government Code §2001.039.

40 TAC §901.1 and §901.2 are readopted under the authority of Texas Government Code, §2308.101(a)(3), which requires the Council to recommend to the Governor the designation and redesignation of local workforce development areas and §2308.103(a)(1), which authorizes the Council to adopt rules.

This concludes the review of 40 TAC §901.1 and §901.2.

TRD-202402647
Kaki Leyens
Executive Director
Texas Workforce Investment Council
Filed: June 17, 2024

