

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 366, Medicaid Eligibility for Women, Children, Youth, and Needy Families

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 366, Medicaid Eligibility for Women, Children, Youth, and Needy Families, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to AES_Policy_Coordination@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 366" 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The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings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-202402768

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 24, 2024



Office of the Governor, Economic Development and Tourism Office

Title 10, Part 5

The Office of the Governor, Economic Development and Tourism Office, files this notice of intention to review 10 TAC Chapter 184, concerning the Sports and Events Trust Fund. The review is being conducted in accordance with §2001.039 of the Texas Government Code.

An assessment will be made by the Office of the Governor, Economic Development and Tourism Office, as to whether the reasons for adopting the rules continue to exist. Each rule will be reviewed to determine whether to readopt, readopt with amendments, or repeal the rule.

Comments may be submitted to Gene Cervenka, Office of the Governor, Economic Development and Tourism Office, P.O. Box 12428, Austin, Texas 78701, or by email to eventsfund@gov.texas.gov with the subject line "Events Rules." The deadline for receipt of comments is 5:00 p.m., Central Time, on August 4, 2024.

TRD-202402727

Gene Cervenka

Senior Finance Program Specialist

Office of the Governor, Economic Development and Tourism Office

Filed: June 21, 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 83, Public Health Improvement Grants

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 83, Public Health Improvement Grants, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to RLHO@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 83" 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-202402785

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 25, 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 95, Prescription Drug Donation 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 95, Prescription Drug Donation Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to rxdrugdonation@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 95" 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-202402699
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 19, 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 169, Zoonosis 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 169, Zoonosis Control, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to The.Vet@dshs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 169" 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-202402776
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: June 24, 2024



Texas Health and Human Services Commission

Title 26, Part 1

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

Chapter 358, Children's Autism 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 358, Children's Autism Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email Childrens.Autism.Program@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 358" 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-202402753
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: June 21, 2024



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

Chapter 359, Division for Blind Services

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 359, Division for Blind Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHS_HI_Policy@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 359" 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-202402777

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 24, 2024



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

Chapter 360, Office of Deaf and Hard of Hearing Services

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 360, Office of Deaf and Hard of Hearing Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to DHHS.Mailbox@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 360" 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-202402754

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 21, 2024



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

Chapter 365, Kidney Health Care

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 365, Kidney Health Care, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to KHC@hhsc.state.tx.us. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 365" 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-202402752

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 21, 2024



Texas County and District Retirement System

Title 34, Part 5

The Texas County and District Retirement System (TCDRS) files this Notice of Intent to consider for readoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 34, Part 5, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

Chapter 101, Practice and Procedure Regarding Claims

Chapter 103, Calculations or Types of Benefits

Chapter 105, Creditable Service

Chapter 107, Miscellaneous Rules

Chapter 109, Domestic Relations Orders

Chapter 111, Termination of Participation: Subdivisions

Chapter 113, Texas County and District Retirement System Qualified Replacement Benefit Arrangement

TCDRS will assess if the reasons for adopting or readopting the chapters continue to exist. Each rule will be reviewed to determine whether it is obsolete, and whether the rule reflects current legal and policy considerations. Rules may also be moved to a different chapter or combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter 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 before final adoption or repeal.

Comments on the review may be submitted to TCDRS Rule Comments, attention: Legal, Barton Oaks Plaza IV, Ste. 500, 901 S. MoPac Expy, Austin, Texas 78746; call (512) 328-8889; or emailed to TC-DRSRuleComments@tcdrs.org. TCDRS must receive comments to this notice of intent to review rules no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202402798

Ann McGeehan

General Counsel

Texas County and District Retirement System

Filed: June 26, 2024



Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 40, Part 1, of the Texas Administrative Code:

Chapter 72, Memorandum of Understanding with Other State Agencies

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 72, Memorandum of Understanding with Other State Agencies, 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 72" 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 40, 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-202402755

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: June 21, 2024

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Adopted Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part 5

The Finance Commission of Texas (commission) has completed the rule review of Texas Administrative Code, Title 7, Part 5, Chapter 87, concerning Tax Refund Anticipation Loans, in its entirety. The rule review was conducted under Texas Government Code, §2001.039.

Notice of the review of 7 TAC Chapter 87 was published in the March 29, 2024, issue of the *Texas Register* (49 TexReg 2095). The commission received no comments in response to that notice. The commission believes that the reasons for initially adopting the rules contained in this chapter continue to exist.

As a result of the rule review, the commission finds that the reasons for initially adopting the rules in 7 TAC Chapter 87 continue to exist, and readopts this chapter in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202402761

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Filed: June 21, 2024

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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 356, Family Violence Program

Notice of the review of this chapter was published in the May 3, 2024, issue of the *Texas Register* (49 TexReg 3022). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 356 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 356 except for:

§356.207 More than One Funding Percentage Waiver

§356.406 Children's Advocate

§356.407 Legal Advocate

§356.408 Volunteer Coordinator

§356.508 Exceptions to Allowable Types of Facilities for a 24-Hour-a-Day Shelter

§356.624 Notification of Court Orders

§356.630 Cooperation with Criminal Justice Officials

§356.632 Volunteer Program

§356.633 Volunteer Recruitment

§356.717 Legal Assistance Services

§356.719 Training and Employment Services

§356.1314 Provision of Health and Human Services Commission (HHSC)-funded Services by Attorneys or Other Licensed Professionals

§356.1322 Notification of Court Orders

§356.1806 Legal Advocate

§356.1807 Volunteer Coordinator

§356.2022 Notification of Court Orders

§356.2028 Cooperation With Criminal Justice Officials

§356.2030 Volunteer Program

§356.2031 Volunteer Recruitment

§356.2113 Legal Assistance Services

§356.2114 Training and Employment Services

The identified repeals and any amendments, if applicable, to Chapter 356 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 356 as required by the Texas Government Code §2001.039.

TRD-202402751

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 21, 2024

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