

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 361, Medicaid Buy-In for Children 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 361, Medicaid Buy-In for Children Program, 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 361" 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The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings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-202402814

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 27, 2024



Texas State Board of Examiners of Psychologists

Title 22, Part 21

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists proposes to review and consider for re adoption, revision, or repeal the chapters listed below, in its entirety, contained in Title 22, Part 21 of the Texas Administrative Code:

Chapter 463, Applications and Examinations

Chapter 465, Rules of Practice

Chapter 470, Schedule of Sanctions

This review is conducted in accordance with the requirements of Texas Government Codes §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.

Public comments on the review may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on August 11, 2024, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

The text of the chapters being reviewed will not be published, but may be found in Title 22, Part 21 of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402808

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Filed: June 26, 2024



Texas State Board of Examiners of Professional Counselors

Title 22, Part 30

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors proposes to review and consider for re adoption, revision, or repeal the chapters listed below, in its entirety, contained in Title 22, Part 30 of the Texas Administrative Code:

Chapter 681, Professional Counselors

This review is conducted in accordance with the requirements of Texas Government Codes §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.

Public comments on the review may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00

p.m., Central Time, on August 11, 2024, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

The text of the chapters being reviewed will not be published, but may be found in Title 22, Part 30 of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402810
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Professional Counselors
Filed: June 26, 2024



Texas State Board of Social Worker Examiners

Title 22, Part 34

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners proposes to review and consider for readoption, revision, or repeal the chapters listed below, in its entirety, contained in Title 22, Part 34 of the Texas Administrative Code:

Chapter 781, Social Worker Licensure

This review is conducted in accordance with the requirements of Texas Government Codes §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.

Public comments on the review may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on August 11, 2024, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

The text of the chapters being reviewed will not be published, but may be found in Title 22, Part 34 of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402811
Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
Filed: June 26, 2024



Texas State Board of Examiners of Marriage and Family Therapists

Title 22, Part 35

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists proposes to review and consider for readoption, revision, or repeal the chapters listed below, in its entirety, contained in Title 22, Part 35 of the Texas Administrative Code:

Chapter 801, Licensure and Regulation of Marriage and Family Therapists

This review is conducted in accordance with the requirements of Texas Government Codes §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule con-

tinue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Public comments on the review may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on August 11, 2024, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

The text of the chapters being reviewed will not be published, but may be found in Title 22, Part 35 of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202402809
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
Filed: June 26, 2024



Texas Behavioral Health Executive Council

Title 22, Part 41

The Texas Behavioral Health Executive Council proposes to review and consider for readoption, revision, or repeal the chapters listed below, in its entirety, contained in Title 22, Part 41 of the Texas Administrative Code:

- Chapter 881, General Provisions
- Chapter 882, Applications and Licensing
- Chapter 883, Renewals
- Chapter 884, Complaints and Enforcement
- Chapter 885, Fees

This review is conducted in accordance with the requirements of Texas Government Codes §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.

Public comments on the review may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on August 11, 2024, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

The text of the chapters being reviewed will not be published, but may be found in Title 22, Part 41 of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings.

TRD-202402805
Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
Filed: June 26, 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 52, Contracting for Community 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 52, Contracting for Community Services, 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 52" 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-202402813

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 27, 2024



Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 217, Vehicle Titles and Registration, Subchapter A; Subchapter B, §§217.21 - 217.26 and 217.28 - 217.64; Subchapter C; Subchapter D; Subchapter E; Subchapter F; Subchapter G; Subchapter H; Subchapter I; Subchapter J; Subchapter K; and Subchapter L. The department will review §217.27 separately in the future.

The department will also review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 209, Finance.

This review is being conducted pursuant to Government Code, §2001.039.

The board of the Texas Department of Motor Vehicles will assess whether the reasons for initially adopting these rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

If you want to comment on this rule review proposal, submit your written comments by 5:00 p.m. CDT on August 12, 2024. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

Proposed changes to sections of Chapters 209 and 217 are published in the Proposed Rules section of this issue of the *Texas Register* and are open for a 30-day public comment period.

TRD-202402835

Laura Moriaty

General Counsel

Texas Department of Motor Vehicles

Filed: June 27, 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 392, Purchase of Goods and Services for Specific Health and Human Services Commission Programs

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 392 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 392 except for:

§392.401, Purpose and Applicability;

§392.403, Definitions;

§392.405, Accountability;

§392.407, Provisions for Certain Contracts;

§392.409, Performance Contracts and Ownership of Goods;

§392.603, Provider Application and Contract to Provide FFS Oral Health Treatment Services; and

§392.801, Contracts for Deaf and Hard of Hearing Services.

The identified repeals and any amendments, if applicable, to Chapter 392 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 392 as required by the Texas Government Code §2001.039.

TRD-202402881

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: June 28, 2024



State Securities Board

Title 7, Part 7

The State Securities Board (Board) adopts the review of the following chapters of Title 7, Part 7, of the Texas Administrative Code, in accordance with Texas Government Code, §2001.039, Agency Review of Existing Rules: Chapter 115, Securities Dealers and Agents,

and Chapter 116, Investment Advisers and Investment Adviser Representatives. The text of these rules may be found in the Texas Administrative Code, Title 7, Part 7 or through the Board's website at www.ssb.texas.gov/texas-securities-act-board-rules.

Notice of the review of the chapters was published in the March 1, 2024, issue of the *Texas Register* (49 TexReg 1287). The Board received no comments concerning Chapter 115. The Board received two comments from interested parties concerning Chapter 116, Investment Advisers and Investment Adviser Representatives.

One comment was from a personal finance publication and the other was from an investment adviser firm that is registered in Texas. Both of the commenters expressed a desire for the Board to revise Chapter 116 to permit investment advisers registered in Texas to include testimonials in their advertisements, which is currently prohibited by Rule §116.15. The commenters also referred to recent changes to Securities and Exchange Commission (SEC) rules that now permit investment advisers that are registered with the SEC to use testimonials under certain circumstances, as long as they comply with the various requirements and conditions in the SEC rule.

State Securities Board staff agrees with this suggestion and plans to draft one or more amendments to the rules in Chapter 116 to be approved for publication and comment for this purpose at a future board meeting. In addition, staff has identified other changes that should be made to various sections within Chapters 115 and 116. These revisions will be proposed in a future issue of the *Texas Register*.

The Board has reviewed and considered for readoption, revision, or repeal all sections of these two chapters, and considered, among other things, whether the reasons for adoption of these rules continue to exist. After its review, the Board finds that the reasons for adopting these rules continue to exist and readopts these chapters, without changes, pursuant to the requirements of the Texas Government Code.

This concludes the review of 7 TAC Chapters 115 and 116.

Issued in Austin, Texas on June 28, 2024.

TRD-202402898

Travis J. Iles

Securities Commissioner

State Securities Board

Filed: June 28, 2024

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Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) files this notice of readoption of Title 43 Texas Administrative Code (TAC), Part 10, Chapter 219, Oversize and Overweight Vehicles and Loads, Subchapter A; Subchapter B, §§219.10 - 219.15 and 219.17; Subchapter C; Subchapter D; Subchapter E; Subchapter F; Subchapter G; and Subchapter H, subject to the amendments and repeals in Chapters 219 that are also published in this issue of the *Texas Register*. The review was conducted pursuant to Government Code, §2001.039.

Notice of the department's intention to review was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1107). The department did not receive any comments on the rule review.

As a result of the review, the department readopts Chapter 219, Subchapter A; Subchapter B, §§219.10 - 219.15 and 219.17; Subchapter C; Subchapter D; Subchapter E; Subchapter F; Subchapter G; and Subchapter H in accordance with the requirements of Government Code, §2001.039, with amendments and repeals in Chapter 219 resulting from the rule review also published in this issue of the *Texas Register*. The department has determined that the reasons for initially adopting the readopted rules continue to exist. The department will review §219.16 separately in the future.

This concludes the review of Chapter 219, Subchapter A; Subchapter B, §§219.10 - 219.15 and 219.17; Subchapter C; Subchapter D; Subchapter E; Subchapter F; Subchapter G; and Subchapter H.

TRD-202402847

Laura Moriaty

General Counsel

Texas Department of Motor Vehicles

Filed: June 28, 2024
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