

TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Texas Health and Human Services Commission

Rule Transfer

During the 85th Legislative Session, the Texas Legislature passed House Bill 5, directing that the Texas Department of Family and Protective Services (DFPS) become a stand-alone agency that is separate from the Texas Health and Human Services System (HHSC). The HHSC rules in Texas Administrative Code, Title 1, Part 15, Chapter 392 Purchase of Goods and Services for Specific Health and Human Services Commission Programs, Subchapter H, DFPS Contracted Services are now being transferred to DFPS under Texas Administrative Code, Title 40, Part 19, Chapter 732, Contracted Services, Subchapter C, Community-Based Care Services.

The rules will be transferred in the Texas Administrative Code effective August 15, 2024.

The following table outlines the rule transfer:

Figure: 1 TAC Chapter 392, Subchapter H
TRD-202403019



Department of Family and Protective Services

Rule Transfer

During the 85th Legislative Session, the Texas Legislature passed House Bill 5, directing that the Texas Department of Family and Protective Services (DFPS) become a stand-alone agency that is separate from the Texas Health and Human Services System (HHSC). The HHSC rules in Texas Administrative Code, Title 1, Part 15, Chapter 392 Purchase of Goods and Services for Specific Health and Human Services Commission Programs, Subchapter H, DFPS Contracted Services are now being transferred to DFPS under Texas Administrative Code, Title 40, Part 19, Chapter 732, Contracted Services, Subchapter C, Community-Based Care Services.

The rules will be transferred in the Texas Administrative Code effective August 15, 2024.

The following table outlines the rule transfer:

Figure: 1 TAC Chapter 392, Subchapter H
TRD-202403021



Figure: 1 TAC Chapter 392, Subchapter H

Current Rules Title 1. Administration Part 15. Texas Health and Human Services Commission Chapter 392. Purchase of Goods and Services for Specific Health and Human Services Commission Programs	Move to Title 40. Social Services and Assistance Part 19. Department of Family and Protective Services Chapter 732. Contracted Services
Subchapter H. DFPS Contracted Services	Subchapter C. Community-Based Care Services
§392.701. Advanced Payment for Contracted Social Services.	§732.301. Advanced Payment for Contracted Social Services.
§392.703. Unsolicited Proposals for Community-Based Care Services.	§732.303. Unsolicited Proposals for Community-Based Care Services.

Department of State Health Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client

services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 412, Local Mental Health Authority Responsibilities, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 301, Local Authority Responsibilities.

The rules will be transferred in the Texas Administrative Code effective August 15, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 412

TRD-202403017



Texas Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client

services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 412, Local Mental Health Authority Responsibilities, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 301, Local Authority Responsibilities.

The rules will be transferred in the Texas Administrative Code effective August 15, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 412

TRD-202403018

Figure: 25 TAC Chapter 412

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 412. Local Mental Health Authority Responsibilities	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 301. Local Authority Responsibilities
Subchapter B. Contracts Management for Local Authorities	Subchapter A. Contracts Management for Local Authorities
§412.51. Purpose.	§301.1. Purpose.
§412.52. Application.	§301.3. Application.
§412.53. Definitions.	§301.5. Definitions.
§412.54. Accountability.	§301.7. Accountability.
§412.55. Procurement.	§301.9. Procurement.
§412.56. Community Services Contracting Requirements.	§301.11. Community Services Contracting Requirements.
§412.57. Provisions for Community Services Contracts.	§301.13. Provisions for Community Services Contracts.
§412.58. Competitive Procurement Methods for Community Services.	§301.15. Competitive Procurement Methods for Community Services.
§412.59. Non-competitive Procurement of Community Services.	§301.17. Non-competitive Procurement of Community Services.
§412.60. Open Enrollment.	§301.19. Open Enrollment.
§412.61. Consumer Access to Participating Community Services Contractors in Provider Network.	§301.21. Consumer Access to Participating Community Services Contractors in Provider Network.
§412.62. Monitoring and Enforcing Community Services Contracts.	§301.23. Monitoring and Enforcing Community Services Contracts.
Subchapter C. Charges for Community Services	Subchapter C. Charges for Community Services
§412.101. Purpose.	§301.101. Purpose.
§412.102. Application.	§301.103. Application.
§412.103. Definitions.	§301.105. Definitions.
§412.104. Principles.	§301.107. Principles.
§412.105. Accountability.	§301.109. Accountability.
§412.106. Determination of Ability to Pay.	§301.111. Determination of Ability to Pay.
§412.107. Standard Charges.	§301.113. Standard Charges.
§412.108. Billing Procedures.	§301.115. Billing Procedures.
§412.109. Payments, Collections, and Non-payment.	§301.117. Payments, Collections, and Non-payment.
§412.110. Monthly Ability-to-Pay Fee Schedule.	§301.119. Monthly Ability-to-Pay Fee Schedule.
§412.111. Training.	§301.121. Training.
§412.112. Brochure for Persons (and Parents).	§301.123. Brochure for Persons (and Parents).
§412.113. Exhibit.	§301.125. Exhibit.