

# 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

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 (TAC):

Chapter 228, Retail Food Establishments

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 228, Retail Food Establishments, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [food-establishments@dshs.texas.gov](mailto:food-establishments@dshs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 228" 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The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings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](http://www.sos.texas.gov)).

TRD-202403866

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: August 21, 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 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 304, Diagnostic Assessment

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 304, Diagnostic Assessment, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [IDServicesPolicyandRules@hhs.texas.gov](mailto:IDServicesPolicyandRules@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 304" 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](http://www.sos.texas.gov)).

TRD-202403865

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: August 21, 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 370, Human Trafficking Resource Center

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, Human Trafficking Resource Center, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [Human\\_Trafficking@hhs.texas.gov](mailto:Human_Trafficking@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 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](http://www.sos.texas.gov)).

TRD-202403980  
Jessica Miller  
Director, Rules Coordination Office  
Texas Health and Human Services Commission  
Filed: August 27, 2024



Texas Parks and Wildlife Department

**Title 31, Part 2**

The Texas Parks and Wildlife Department files this notice of intention to review the following chapters of 31 TAC, Part 2:

**Chapter 53. Finance**

Subchapter A. Fees

Subchapter B. Stamps

Subchapter C. License Deputies and Vessel Registration Agents

Subchapter D. Commercial Fishing Boat Numbers

Subchapter E. Display of Boat Registration

Subchapter F. Bonded Title for Vessels/Outboard Motors

Subchapter G. Marine Dealers, Distributors, and Manufacturers

Subchapter H. License Standards

Subchapter I. Combination and Super-Combination License Revenue Allocation

**Chapter 59. Parks**

Subchapter A. Park Entrance and Park User Fees

Subchapter B. Local Park Planning Assistance

Subchapter C. Acquisition and Development of Historic Sites, Buildings and Structures

Subchapter D. Administration of the State Park System

Subchapter E. Operation and Leasing of Park Concessions

Subchapter F. State Park Operational Rules

Subchapter I. Gratuities

Subchapter J. Off-Highway Vehicle Trail and Recreational Area Program

**Chapter 69. Resource Protection**

Subchapter A. Endangered, Threatened, and Protected Native Plans

Subchapter B. Fish and Wildlife Values

Subchapter C. Wildlife Rehabilitation Permits

Subchapter D. Memorandum of Understanding

Subchapter E. Natural Resource Damages

Subchapter F. Health Certification of Native Shellfish

Subchapter G. Compliance with Coastal Management Plan

Subchapter H. Issuance of Marl, Sand, and Gravel Permits

Subchapter I. Shell Dredging on the Texas Gulf Coast

Subchapter J. Scientific, Educational, and Zoological Permits

Subchapter K. Sale of Nongame Species

This review is pursuant to Government Code, §2001.039. The department will accept comments for 30 days following the publication of

this notice in the *Texas Register* as to whether the reasons for adopting the sections under review continue to exist. Final consideration of this rules review by the Parks and Wildlife Commission is scheduled for the commission meeting to be held in Austin, Texas on January 23, 2025.

Any questions or written comments pertaining to this notice of intent to review should be directed to James Murphy, General Counsel, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744. Any proposed changes to 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-202403868

Laura Carr

Assistant General Counsel

Texas Parks and Wildlife Department

Filed: August 22, 2024



Texas Department of Transportation

**Title 43, Part 1**

In accordance with Government Code, §2001.039, the Texas Department of Transportation (department) files this notice of intention to review Title 43 TAC, Part 1, Chapter 2, Environmental Review of Transportation Projects, Chapter 7, Rail Facilities, Chapter 26, Regional Mobility Authorities, Chapter 28, Oversize and Overweight Vehicles and Loads, Chapter 30, Aviation, and Chapter 31, Public Transportation.

The department will accept comments regarding whether the reasons for adopting these rules continue to exist. Comments regarding this rule review may be submitted to Rule Comments, General Counsel Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to [RuleComments@txdot.gov](mailto:RuleComments@txdot.gov) with the subject line "Rule Review." The deadline for receipt of comments is 5:00 p.m. on October 7, 2024.

In accordance with Transportation Code, §201.811(a)(5), a person who submits comments must disclose, in writing with the comments, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

TRD-202403894

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: August 22, 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 351, Coordinated Planning and Delivery of Health and Human Services

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 351 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 351 except for:

§351.703, Grant Program for Regional and Local Health Care Programs.

The repeals identified by HHSC in the rule review and any amendments, if applicable, to Chapter 351 will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 351 as required by Texas Government Code §2001.039.

TRD-202404006

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: August 28, 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 366, Medicaid Eligibility for Women, Children, Youth, and Needy Families

Notice of the review of this chapter was published in the July 5, 2024, issue of the *Texas Register* (49 TexReg 4937). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 366 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 366. Any amendments, if applicable, to Chapter 366 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 366 as required by the Texas Government Code §2001.039.

TRD-202403908

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: August 23, 2024



Department of Savings and Mortgage Lending

#### **Title 7, Part 4**

The Department of Savings and Mortgage Lending (SML) has completed its review of the following chapters of 7 TAC Part 4:

Chapter 78, Wrap Mortgage Loans (§§78.1 - 78.3, 78.100 - 78.102, 78.200, 78.201, 78.300 - 78.303, 78.400 - 78.403);

Chapter 79, Residential Mortgage Loan Servicers (§§79.1 - 79.20, 79.30, 79.40, 79.50);

Chapter 80, Residential Mortgage Loan Companies (§§80.1 - 80.5, 81.100 - 80.102, 80.105 - 80.107, 80.200 - 80.206, 80.300 - 80.302); and

Chapter 81, Mortgage Bankers and Residential Mortgage Loan Originators (§§81.1 - 81.5, 81.100 - 81.111, 81.200 - 81.206, 81.300 - 81.302).

The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the March 8, 2024, issue of the *Texas Register* (49 TexReg 1517). No comments were received in response to the notice.

The rules in 7 TAC Chapters 78 - 81 were adopted by the Finance Commission of Texas (commission) on behalf of SML.

As a result of the rule review conducted by SML, the commission has determined that certain changes to the rules are appropriate. Those proposed rule changes are published in the Proposed Rules section in this issue of the *Texas Register*.

The commission, after considering the results of the rule review conducted by SML, finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 7 TAC Chapters 78 - 81.

TRD-202403971

Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

Filed: August 26, 2024



State Board of Dental Examiners

#### **Title 22, Part 5**

The Texas State Board of Dental Examiners (Board) adopts the review of the chapters below in Title 22, Part 5, of the Texas Administrative Code (TAC):

Chapter 107, Dental Board Procedures; and

Chapter 111, Standards for Prescribing Controlled Substances and Dangerous Drugs.

Notice of the review of these chapters was published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3591). No comments were received in response to this notice.

The Board has reviewed Chapters 107 and 111 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the original reasons for adopting a rule continue to exist.

The Board determined that the initial reasons for adopting rules in the chapters continue to exist and readopts Chapters 107 and 111 except for:

§107.17, Service in Non-Rulemaking Proceedings;

§107.105, Collection of Information and Records;

§107.106, Confidentiality of Investigations; and

§107.300, Responsibilities of Compliance Division. The Board finds the original reasons for adopting these rules continue to exist but with amendments needed. Proposed amendments for these sections were published in the June 7, 2024, issue of the *Texas Register* (49 TexReg 4003).

In addition, the Board finds the original reasons for adopting §107.3, Effect of Student Loan Payment Default on Licensure, no longer exist, and the section should be repealed. The proposed repeal of this sec-

tion was published in the June 7, 2024, issue of the *Texas Register* (49 TexReg 4003).

This concludes the Board's review of 22 TAC Chapters 107 and 111 as required by the Texas Government Code §2001.039.

TRD-202403979  
Lauren Studdard  
General Counsel  
State Board of Dental Examiners  
Filed: August 27, 2024



Texas Real Estate Commission

### Title 22, Part 23

In accordance with Texas Government Code §2001.039, the Texas Real Estate Commission (TREC) has concluded its review of Texas Administrative Code, Title 22, Part 23, Chapter 531, Canons of Professional Ethics and Conduct, Chapter 533, Practice and Procedure, Chapter 534, General Administration, and Chapter 541, Rules Relating to the Provisions of Texas Occupations Code, Chapter 53. The notice of proposed rule review was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1105).

TREC has determined that the reasoned justification for adopting Texas Administrative Code, Title 22, Part 23, Chapters 531, 533, 534 and 541 continues to exist. Furthermore, the review process indicated that certain rules needed to be amended to further refine or better reflect current TREC procedures and policy considerations or that rules should be combined or reduced for simplification and clarity.

Accordingly, amendments to 22 TAC Chapters 533, Subchapter B, and 534 were proposed and published in the June 7, 2024, issue of the *Texas Register* (49 TexReg 4007) and (49 TexReg 4008), respectively, and are adopted under the Adopted Rules section of this issue of the *Texas Register*.

No comments were received regarding TREC's notice of review. This notice concludes TREC's review of Texas Administrative Code, Title 22, Part 23, Chapters 531, 533, 534, and 541.

Issued in Austin, Texas on August 19, 2024.

TRD-202403883  
Abby Lee  
Deputy General Counsel  
Texas Real Estate Commission  
Filed: August 22, 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 83, Public Health Improvement Grants

Notice of the review of this chapter was published in the July 5, 2024, issue of the *Texas Register* (49 TexReg 4937). DSHS received no comments concerning this chapter.

DSHS has reviewed Chapter 83 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.

DSHS determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 83. Any amendments, if applicable, to Chapter 83 identified by DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes DSHS' review of 25 TAC Chapter 83 as required by the Texas Government Code §2001.039.

TRD-202403994  
Jessica Miller  
Director, Rules Coordination Office  
Department of State Health Services  
Filed: August 28, 2024



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 95, Prescription Drug Donation Program

Notice of the review of this chapter was published in the July 5, 2024, issue of the *Texas Register* (49 TexReg 4938). HHSC received no comments concerning this chapter.

DSHS has reviewed Chapter 95 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 95. Any amendments, if applicable, to Chapter 95 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes DSHS' review of 25 TAC Chapter 95 as required by Texas Government Code §2001.039.

TRD-202403869  
Jessica Miller  
Director, Rules Coordination Office  
Department of State Health Services  
Filed: August 22, 2024



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 103, Injury Prevention and Control

Notice of the review of this chapter was published in the June 28, 2024, issue of the *Texas Register* (49 TexReg 4811).

DSHS received comments concerning this chapter from the DSHS Consumer Protection Division, EMS Trauma Systems, State EMS Director. A summary of comments and DSHS responses follows.

Comment: Commenter suggests removing definitions for "call for assistance" in §103.2 (relating to Definitions).

Response: DSHS agrees with the comment.

Comment: Commenter recommends adding the following definitions in §103.2:

- Dispatch - The sending of individuals and equipment by EMS for assessment, prompt efficient treatment, and transportation, if required, of a sick or injured patient.

- EMS medical director - The licensed physician who provides medical supervision to the EMS personnel of a licensed EMS provider or a recognized first responder organization (FRO) under the terms of the Medical Practice Act (Texas Occupations Code Chapters 151 - 165) and rules promulgated by the Texas Medical Board; may also be called "off-line medical control."

- National EMS Information System (NEMSIS) - A universal standard for how patient care information resulting from an EMS response is collected.

- Patient - A person in whom an injury or illness is identified by a physician or medical examiner based upon clinical evaluation, interpretation of laboratory and/or radiological findings, and an appropriate exposure history.

- Trauma patient - a critically injured person who has been:

- (A) Evaluated by a physician, a registered nurse, or emergency medical services personnel; and

- (B) Found to require medical care in a trauma facility.

DSHS agrees with this recommendation.

Comment: Commenter recommends editing the following definitions in §103.2:

- EMS provider - remove all text after "as defined by Health and Safety Code, Chapter 773.003."

- Investigation - replace current text with "To observe or study by close examination and systematic inquiry on a response or event".

- Regional Registry - replace "runs" with "responses."

- Registries - add language to read, "required reportable response or event as defined in this section."

- EMS run - replace "person" with "patient."

- Suspected case - edit term to say, "Suspected response" and change case to response in definition. Also, add "or illness" after injury.

- Trauma - change entire definition to, "An injury or wound to a living body caused by the application of an external force or violence, including burn injuries, and meeting the trauma program's trauma activation guidelines."

Response: DSHS agrees with recommendations.

Comment: Commenter recommended changing §103.5(a)(1) (relating Reporting Requirements for EMS Provider) submission deadline from 90 days to 30 days and adding clarification to "date of call for assistance" to "Date of the dispatch for assistance" and changing "monthly" submissions to "real-time" submissions.

Comment: Commenter recommended changing "runs" to "dispatches" in §103.5(a)(2).

Comment: Commenter recommended replacing current language in §103.5(b)(2) with "Data will meet the current National EMS Information System (NEMSIS) universal submission standards."

DSHS agrees with recommendations.

DSHS reviewed Chapter 103 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.

DSHS determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 103. Any amendments, if applicable, to Chapter 103 identified by DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes DSHS's review of 25 TAC Chapter 103 as required by the Texas Government Code §2001.039.

TRD-202403867

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: August 21, 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 360, Office of Deaf and Hard of Hearing Services

Notice of the review of this chapter was published in the July 5, 2024, issue of the *Texas Register* (49 TexReg 4939). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 360 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 360. Any amendments, if applicable, to Chapter 360 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 360 as required by the Texas Government Code §2001.039.

TRD-202403905

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: August 23, 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 365, Kidney Health Care

Notice of the review of this chapter was published in the July 5, 2024, issue of the *Texas Register* (49 TexReg 4939). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 365 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 365. Any amendments, if applicable, to Chapter 365 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 365 as required by the Texas Government Code §2001.039.

TRD-202403860

Jessica Miller  
Director, Rules Coordination Office  
Texas Health and Human Services Commission  
Filed: August 21, 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 745, Licensing

Notice of the review of this chapter was published in the June 21, 2024, issue of the *Texas Register* (49 TexReg 4607). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 745 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 745. Any amendments, if applicable, to Chapter 745 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 745 as required by Texas Government Code §2001.039.

TRD-202403974

Jessica Miller  
Director, Rules Coordination Office  
Texas Health and Human Services Commission  
Filed: August 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, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code (TAC):

Chapter 9, Intellectual Disability Services--Medicaid State Operating Agency Responsibilities

Notice of the review of this chapter was published in the April 19, 2024, issue of the *Texas Register* (49 TexReg 2552). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 9 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 9. Any amendments,

if applicable, to Chapter 9 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 9 as required by Texas Government Code §2001.039.

TRD-202403972

Jessica Miller  
Director, Rules Coordination Office  
Department of Aging and Disability Services  
Filed: August 26, 2024



The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code (TAC):

Chapter 72, Memorandum of Understanding with Other State Agencies

Notice of the review of this chapter was published in the July 5, 2024, issue of the *Texas Register* (49 TexReg 4939). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 72 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 72 except for:

§72.204, Texas Department of Mental Health and Mental Retardation (TXMHMR);

§72.205, Texas Rehabilitation Commission;

§72.206, Texas Commission for the Blind;

§72.207, Texas Commission for the Deaf and Hearing Impaired;

§72.210, The Texas Interagency Council on Early Childhood Intervention (ECI); and

§72.5001, Memorandum of Understanding Concerning Capacity Assessment for Self Care and Financial Management.

The repeals identified by HHSC in the rule review and any amendments, if applicable, to Chapter 72 will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 72 as required by Texas Government Code §2001.039.

TRD-202404015

Jessica Miller  
Director, Rules Coordination Office  
Department of Aging and Disability Services  
Filed: August 28, 2024

