

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.

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 414, Rights and Protections of Persons Receiving Mental Health Services, Subchapter K, Criminal History and Registry Clearances 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, Subchapter B, Criminal History and Registry Clearances.

The rules will be transferred in the Texas Administrative Code effective October 30, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 414, Subchapter K

TRD-202404733

Figure: 25 TAC Chapter 414, Subchapter K

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 414, Rights and Protections of Persons Receiving Mental Health Services, Subchapter K, Criminal History and Registry Clearances 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, Subchapter B, Criminal History and Registry Clearances.

The rules will be transferred in the Texas Administrative Code effective October 30, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 414, Subchapter K

TRD-202404734

Current Rules	Move to
Title 25. Health Services	Title 26. Health and Human Services
Part 1. Department of State Health Services	Part 1. Health and Human Services Commission
Chapter 414. Rights and Protections of Persons Receiving Mental Health Services	Chapter 301. Local Authority Responsibilities
Subchapter K. Criminal History and Registry Clearances	Subchapter B. Criminal History and Registry Clearances
§414.501. Purpose.	§301.51. Purpose.
§414.502. Application.	§301.53. Application.
§414.503. Definitions.	§301.55. Definitions.
§414.504. Pre-employment and Pre-assignment Clearance.	§301.57. Pre-employment and Pre-assignment Clearance.
§414.505. Obtaining or Requesting Criminal History Record Information and Checking Registry.	§301.59. Obtaining or Requesting Criminal History Record Information and Checking Registry.
§414.506. Criminal History Record Information and Registry Information.	§301.61. Criminal History Record Information and Registry Information.
§414.507. Self-Reporting and Subsequent Criminal History and Registry Checks.	§301.63. Self-Reporting and Subsequent Criminal History and Registry Checks.

Department of Aging and Disability 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, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 11, Quality Assurance Fee are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 283, Quality Assurance Fee.

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

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 11

TRD-202404731

Figure: 40 TAC Chapter 11

Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 11. Quality Assurance Fee	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 283. Quality Assurance Fee
§11.1. Purpose of Chapter.	§283.1. Purpose of Chapter.
§11.2. Definitions.	§283.3. Definitions.
§11.3. Quality Assurance Fee Determination Methodology.	§283.5. Quality Assurance Fee Determination Methodology.
§11.4. Required Reports.	§283.7. Required Reports.
§11.5. Payment and Collection of Quality Assurance Fee.	§283.9. Payment and Collection of Quality Assurance Fee.
§11.6. Enforcement.	§283.11. Enforcement.
§11.7. Penalty.	§283.13. Penalty.
§11.8. Informal Review.	§283.15. Informal Review.
§11.9. Appeal of an Informal Review Decision.	§283.17. Appeal of an Informal Review Decision.



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, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 11, Quality Assurance Fee are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 283, Quality Assurance Fee.

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

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 11

TRD-202404732