

# 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.

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## 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 404, Protection of Clients and Staff--Mental Health Services, Subchapter E, Rights of Persons Receiving Mental Health Services, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 320, Rights of Individuals, Subchapter A, Rights of Individuals Receiving Mental Health Services.

The rules will be transferred in the Texas Administrative Code effective November 29, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 404, Subchapter E

TRD-202404891

## 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 404, Protection of Clients and Staff--Mental Health Services, Subchapter E, Rights of Persons Receiving Mental Health Services, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 320, Rights of Individuals, Subchapter A, Rights of Individuals Receiving Mental Health Services.

The rules will be transferred in the Texas Administrative Code effective November 29, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 404, Subchapter E

TRD-202404892

Figure: 25 TAC Chapter 404, Subchapter E

<p><b>Current Rules</b>  <b>Title 25. Health Services</b>  <b>Part 1. Department of State Health Services</b>  <b>Chapter 404. Protection of Clients and Staff--Mental Health Services</b>  <b>Subchapter E. Rights of Persons Receiving Mental Health Services</b></p>	<p><b>Move to</b>  <b>Title 26. Health and Human Services</b>  <b>Part 1. Health and Human Services Commission</b>  <b>Chapter 320. Rights of Individuals</b>  <b>Subchapter A. Rights of Individuals Receiving Mental Health Services</b></p>
§404.151. Purpose.	§320.1. Purpose.
§404.152. Application.	§320.3. Application.
§404.153. Definitions.	§320.5. Definitions.
§404.154. Rights of All Persons Receiving Mental Health Services.	§320.7. Rights of All Individuals Receiving Mental Health Services.
§404.155. Rights of Persons Receiving Residential Mental Health Services.	§320.9. Rights of Individuals Receiving Residential Mental Health Services.
§404.156. Additional Rights of Persons Receiving Residential Mental Health Services at Department Facilities.	§320.11. Additional Rights of Individuals Receiving Residential Mental Health Services at Health and Human Services Commission Facilities.
§404.157. Rights of Persons Voluntarily Admitted to Inpatient Services.	§320.13. Rights of Individuals Voluntarily Admitted to Inpatient Services.
§404.158. Rights of Persons Apprehended for Emergency Detention for Inpatient Mental Health Services (Other Than for Chemical Dependency).	§320.15. Rights of Individuals Apprehended for Emergency Detention for Inpatient Mental Health Services Other Than for Substance Use.
§404.159. Rights of Persons Apprehended for Emergency Detention for Inpatient Chemical Dependency Services.	§320.17. Rights of Individuals Apprehended for Emergency Detention for Inpatient Substance Use Services.
§404.160. Special Rights of Minors Receiving Inpatient Mental Health Services.	§320.19. Special Rights of Minors Receiving Inpatient Mental Health Services.
§404.161. Rights Handbooks for Persons Receiving Mental Health Services at Department Facilities, Community Centers, and Psychiatric Hospitals Operated by Community Centers.	§320.21. Rights Handbooks for Individuals Receiving Mental Health Services at Health and Human Services Commission Facilities, Community Centers, and Psychiatric Hospitals Operated by Community Centers.
§404.162. Patient's Bill of Rights, Teen's Bill of Rights, and Children's Bill of Rights for Individuals Receiving Mental Health Services at Psychiatric Hospitals Not Operated by a Community Center.	§320.23. Bill of Rights for Individuals Receiving Mental Health Services at Psychiatric Hospitals Not Operated by a Community Center.
§404.163. Communication of Rights to Individuals Receiving Mental Health Services.	§320.25. Communication of Rights to Individuals Receiving Mental Health Services.

§404.164. Rights Protection Officer at Department Facilities and Community Centers.	§320.27. Rights Protection Officer at Health and Human Services Commission Facilities and Community Centers.
§404.165. Staff Training in Rights of Persons Receiving Mental Health Services.	§320.29. Staff Training in Rights of Individuals Receiving Mental Health Services.
§404.166. Restriction of Rights as Part of Non-Emergency Behavioral Interventions.	§320.31. Restriction of Rights as Part of Non-Emergency Behavioral Interventions.
§404.167. Restriction of Rights as Part of Emergency Behavioral Interventions: Restraint and Seclusion.	§320.33. Restriction of Rights as Part of Emergency Behavioral Interventions: Restraint and Seclusion.

## Department of State Health Services

### Rule Transfer

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The rule will be transferred in the Texas Administrative Code effective November 29, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 411, Subchapter B

TRD-202404893

## 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 rule in Texas Administrative Code, Title 25, Part 1, Chapter 411, State Mental Health Authority Responsibilities, Subchapter B, Interagency Agreements, §411.63, Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities that is related to these transferred functions, is being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 300, State Authority Responsibilities, Subchapter B, Interagency Agreements, §300.101, Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities.

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The following table outlines the rule transfer:

Figure: 25 TAC Chapter 411, Subchapter B

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Figure: 25 TAC Chapter 411, Subchapter B

<b>Current Rules</b> <b>Title 25. Health Services</b> <b>Part 1. Department Of State Health Services</b> <b>Chapter 411. State Mental Health Authority Responsibilities</b>	<b>Move to</b> <b>Title 26. Health and Human Services</b> <b>Part 1. Health and Human Services Commission</b> <b>Chapter 300. State Authority Responsibilities</b>
<b>Subchapter B. Interagency Agreements</b>	<b>Subchapter B. Interagency Agreements</b>
§411.63. Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities.	§300.101. Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities.