

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 131, Freestanding Emergency Medical Care Facilities, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 509, Freestanding Emergency Medical Care Facilities.

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 131

TRD-202404981

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 131, Freestanding Emergency Medical Care Facilities, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 509, Freestanding Emergency Medical Care Facilities.

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 131

TRD-202404982

Figure: 25 TAC Chapter 131

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 131. Freestanding Emergency Medical Care Facilities	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 509. Freestanding Emergency Medical Care Facilities
Subchapter F. Fire Prevention and Safety Requirements	Subchapter F. Fire Prevention and Safety Requirements
§131.121. Fire Prevention, Protection, and Emergency Contingency Plan.	§509.121. Fire Prevention, Protection, and Emergency Contingency Plan.
§131.122. General Safety.	§509.122. General Safety.
§131.123. Handling and Storage of Gases, Anesthetics, and Flammable Liquids.	§509.123. Handling and Storage of Gases, Anesthetics, and Flammable Liquids.
Subchapter G. Physical Plant and Construction Requirements	Subchapter G. Physical Plant and Construction Requirements
§131.141. Construction Requirements for a Pre-Existing Facility.	§509.141. Construction Requirements for a Pre-Existing Facility.
§131.142. Construction Requirements for an Existing Facility for Construction Completed after September 1, 2010.	§509.142. Construction Requirements for an Existing Facility for Construction Completed after September 1, 2010.
§131.143. Construction Requirements for a New Facility.	§509.143. Construction Requirements for a New Facility.
§131.144. Elevators, Escalators, and Conveyors.	§509.144. Elevators, Escalators, and Conveyors.
§131.145. Mobile, Transportable, and Relocatable Units.	§509.145. Mobile, Transportable, and Relocatable Units.
§131.146. Preparation, Submittal, Review and Approval of Plans, and Retention of Records.	§509.146. Preparation, Submittal, Review and Approval of Plans, and Retention of Records.
§131.147. Construction, Inspection, and Approval of Project.	§509.147. Construction, Inspection, and Approval of Project.
§131.148. Tables.	§509.148. Tables.

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Department of State Health Services

Rule Transfer

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ferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 503, Birthing Centers.

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 137

TRD-202404983

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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 137, Birthing Centers, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 503, Birthing Centers.

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 137

TRD-202404984

Figure: 25 TAC Chapter 137

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 137. Birthing Centers	Chapter 503. Birthing Centers
Subchapter A. General Provisions	Subchapter A. General Provisions
§137.1. Purpose and Scope.	§503.1. Purpose and Scope.
§137.2. Definitions.	§503.2. Definitions.
§137.3. Licensing Fees.	§503.3. Licensing Fees.
§137.4. General Provisions for Licensure.	§503.4. General Provisions for Licensure.
Subchapter B. Licensing Procedures	Subchapter B. Licensing Procedures
§137.11. Application Procedures and Issuance of Licenses.	§503.11. Application Procedures and Issuance of Licenses.
§137.12. Change of Ownership or Services and Closure.	§503.12. Change of Ownership or Services and Closure.
§137.13. Time Periods for Processing and Issuing a License.	§503.13. Time Periods for Processing and Issuing a License.
Subchapter C. Survey Procedures and Enforcement	Subchapter C. Survey Procedures and Enforcement
§137.21. On-Site Surveys.	§503.21. On-Site Surveys.
§137.22. License Denial, Suspension, Probation, or Revocation.	§503.22. License Denial, Suspension, Probation, or Revocation.
§137.23. Emergency Suspension.	§503.23. Emergency Suspension.
§137.24. Administrative Penalties.	§503.24. Administrative Penalties.
§137.25. Complaints.	§503.25. Complaints.
§137.26. Appointment and Qualifications of a Monitor.	§503.26. Appointment and Qualifications of a Monitor.
Subchapter D. Operational and Clinical Standards for the Provision and Coordination of Treatment and Services	Subchapter D. Operational and Clinical Standards for the Provision and Coordination of Treatment and Services
§137.31. Operational and Clinical Policies.	§503.31. Operational and Clinical Policies.
§137.32. Organizational Structure and Delegation of Authority.	§503.32. Organizational Structure and Delegation of Authority.
§137.33. Personnel Policies.	§503.33. Personnel Policies.
§137.34. Qualifications and Duties of Staff.	§503.34. Qualifications and Duties of Staff.
§137.36. Physical and Environmental Requirements for Centers.	§503.36. Physical and Environmental Requirements for Centers.
§137.37. Infection Control Standards.	§503.37. Infection Control Standards.
§137.38. Disposition of Medical Waste.	§503.38. Disposition of Medical Waste.
§137.39. General Requirements for the Provision and Coordination of Treatment and Services.	§503.39. General Requirements for the Provision and Coordination of Treatment and Services.
§137.40. Risk Assessments.	§503.40. Risk Assessments.

§137.41. Emergency Services.	§503.41. Emergency Services.
§137.42. Disclosure Requirements.	§503.42. Disclosure Requirements.
§137.43. Prenatal Care.	§503.43. Prenatal Care.
§137.44. Parenting and Postpartum Counseling.	§503.44. Parenting and Postpartum Counseling.
§137.46. Physician Consultant Procedures.	§503.46. Physician Consultant Procedures.
§137.47. Procedures for Drugs and Biologicals.	§503.47. Procedures for Drugs and Biologicals.
§137.48. Labor and Birth Procedures.	§503.48. Labor and Birth Procedures.
§137.49. Care of the Newborn.	§503.49. Care of the Newborn.
§137.50. Discharge Procedures.	§503.50. Discharge Procedures.
§137.51. Postpartum and Postnatal Care of the Mother and Newborn.	§503.51. Postpartum and Postnatal Care of the Mother and Newborn.
§137.52. Quality Assurance.	§503.52. Quality Assurance.
§137.53. Clinical Records.	§503.53. Clinical Records.
§137.54. Reporting and Filing Requirements.	§503.54. Reporting and Filing Requirements.
§137.55. Other State and Federal Compliance Requirements.	§503.55. Other State and Federal Compliance Requirements.

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Department of State Health Services

Rule Transfer

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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 138

TRD-202404985

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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 138, Disposition of Embryonic and Fetal Tissue Remains, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 512, Disposition of Embryonic and Fetal Tissue Remains.

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 138

TRD-202404986

Figure: 25 TAC Chapter 138

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 138. Disposition of Embryonic and Fetal Tissue Remains	Chapter 512. Disposition of Embryonic and Fetal Tissue Remains
§138.1. Purpose.	§512.1. Purpose.
§138.2. Definitions.	§512.2. Definitions.
§138.3. Scope, Exemptions.	§512.3. Scope, Exemptions.
§138.4. Application of this Chapter.	§512.4. Application of this Chapter.
§138.5. Approved Methods of Treatment and Disposition.	§512.5. Approved Methods of Treatment and Disposition.
§138.6. Storage, Handling, and Transport Authorization.	§512.6. Storage, Handling, and Transport Authorization.
§138.7. Storage, Handling, and Transport Requirements.	§512.7. Storage, Handling, and Transport Requirements.
§138.8. Burial or Cremation Assistance Registry.	§512.8. Burial or Cremation Assistance Registry.

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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 229, Food and Drug, Subchapter J, Minimum Standards for Narcotic Treatment Programs, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 563, Minimum Standards for Narcotic Treatment Programs.

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 229, Subchapter J

TRD-202404987

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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 229, Food and Drug, Subchapter J, Minimum Standards for Narcotic Treatment Programs, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 563, Minimum Standards for Narcotic Treatment Programs.

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 229, Subchapter J

TRD-202404988

Figure: 25 TAC Chapter 229, Subchapter J

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 229. Food and Drug	Chapter 563. Minimum Standards for Narcotic Treatment Programs
Subchapter J. Minimum Standards for Narcotic Treatment Programs	
§229.141. General Provisions.	§563.141. General Provisions.
§229.142. Definitions.	§563.142. Definitions.
§229.143. Organization.	§563.143. Organization.
§229.144. State and Federal Statutes and Regulations.	§563.144. State and Federal Statutes and Regulations.
§229.145. Applications, Fees, Permits.	§563.145. Applications, Fees, Permits.
§229.146. Failure to Comply.	§563.146. Failure to Comply.
§229.147. Denial of Application; Suspension or Revocation of a Narcotic Drug Permit.	§563.147. Denial of Application; Suspension or Revocation of a Narcotic Drug Permit.
§229.148. State Operational Requirements.	§563.148. State Operational Requirements.
§229.149. Inspections and Monitoring.	§563.149. Inspections and Monitoring.
§229.150. Central Registry.	§563.150. Central Registry.
§229.151. Approved Hospital Narcotic Drug Detoxification Treatment.	§563.151. Approved Hospital Narcotic Drug Detoxification Treatment.
§229.152. Federal Regulations.	§563.152. Federal Regulations.
§229.153. Enforcement.	§563.153. Enforcement.



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. Certain sections in the former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 72, Memorandum of Understanding with Other State Agencies are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 3, Memorandum of Understanding with Other State Agencies.

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

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 72

TRD-202405091



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. Certain sections in the former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 72, Memorandum of Understanding with Other State Agencies are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 3, Memorandum of Understanding with Other State Agencies.

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

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 72

TRD-202405092

Figure: 40 TAC Chapter 72

Current Rules Title 40. Social Services and Assistance Part 1. Department Of Aging And Disability Services Chapter 72. Memorandum of Understanding with Other State Agencies	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 3. Memorandum of Understanding with Other State Agencies
Subchapter A. Memoranda of Understanding for Long-Term Care	Subchapter A. Memoranda of Understanding for Long-Term Care
§72.101. Services in Hospitals and Long-term Care Institutions.	§3.1. Services in Hospitals and Long-term Care Institutions.
§72.103. Assisted Living Facilities.	§3.3. Assisted Living Facilities.
Subchapter B. Memorandum of Understanding Concerning Coordination of Services to Persons with Disabilities	Subchapter B. Memorandum of Understanding Concerning Coordination of Services to Persons with Disabilities
§72.201. Basis.	§3.51. Basis.
§72.202. Texas Department of Human Services (DHS).	§3.53. Texas Department of Human Services (DHS).
§72.203. Texas Department of Health (TDH).	§3.55. Texas Department of Health (TDH).
§72.204. Texas Department of Mental Health and Mental Retardation (TXMHMR).	§3.57. Texas Department of Mental Health and Mental Retardation (TXMHMR).
§72.205. Texas Rehabilitation Commission.	§3.59. Texas Rehabilitation Commission.
§72.206. Texas Commission for the Blind.	§3.61. Texas Commission for the Blind.
§72.207. Texas Commission for the Deaf and Hearing Impaired.	§3.63. Texas Commission for the Deaf and Hearing Impaired.
§72.208. Texas Education Agency (TEA).	§3.65. Texas Education Agency (TEA).
§72.209. Texas Department of Protective and Regulatory Services (PRS).	§3.67. Texas Department of Protective and Regulatory Services (PRS).
§72.210. The Texas Interagency Council on Early Childhood Intervention (ECI).	§3.69. The Texas Interagency Council on Early Childhood Intervention (ECI).
§72.211. Agreement.	§3.71. Agreement.
§72.212. Effective Date.	§3.73. Effective Date.
Subchapter C. Memorandum of Understanding for Exchange and Distribution of Public Awareness Information	Subchapter C. Memorandum of Understanding for Exchange and Distribution of Public Awareness Information
§72.301. Authorization and Requirement To Exchange and Distribute Public Awareness Information.	§3.101. Authorization and Requirement To Exchange and Distribute Public Awareness Information.
Subchapter J. Memorandum of Understanding with the Texas Department of Criminal Justice	Subchapter D. Memorandum of Understanding with the Texas Department of Criminal Justice
§72.4001. Memorandum of Understanding with the Texas Department of Criminal Justice.	§3.151. Memorandum of Understanding with the Texas Department of Criminal Justice.

Subchapter N. MOU--Coordination Of Special Education Services To Students With Disabilities In Residential Facilities	Subchapter E. MOU--Coordination Of Special Education Services To Students With Disabilities In Residential Facilities
§72.5003. Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities.	§3.251. Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities.

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