

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 31, Nutrition Services, Subchapter C, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 366, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

The rules will be transferred in the Texas Administrative Code effective December 13, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 31, Subchapter C

TRD-202405239

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 31, Nutrition Services, Subchapter C, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 366, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

The rules will be transferred in the Texas Administrative Code effective December 13, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 31, Subchapter C

TRD-202405241

Figure: 25 TAC Chapter 31, Subchapter C

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 31. Nutrition Services	Chapter 366. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
Subchapter C. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	
§31.21. Definitions.	§366.1. Definitions.
§31.22. Recipient Eligibility Requirements.	§366.3. Recipient Eligibility Requirements.
§31.23. Recipients of Supplemental Food Benefits.	§366.5. Recipients of Supplemental Food Benefits.
§31.25. Participant Certification Periods.	§366.7. Participant Certification Periods.
§31.26. Notification to Applicants of Ineligibility.	§366.9. Notification to Applicants of Ineligibility.
§31.27. Notification to Each Participant of Certification Expiration.	§366.11. Notification to Each Participant of Certification Expiration.
§31.28. Notification to Each Participant of Termination of Certification.	§366.13. Notification to Each Participant of Termination of Certification.
§31.29. Applicant and Participant Rights.	§366.15. Applicant and Participant Rights.
§31.30. Participant Fraud and Abuse.	§366.17. Participant Fraud and Abuse.
§31.31. Selection of a Local Agency as a WIC Provider.	§366.19. Selection of a Local Agency as a WIC Provider.
§31.37. Selection of Allowable WIC Program Supplemental Foods.	§366.21. Selection of Allowable WIC Program Supplemental Foods.

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 415, Provider Clinical Responsibilities--Mental Health Services, Subchapter F, Interventions in 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 C, Interventions in Mental Health Services.

The rules will be transferred in the Texas Administrative Code effective December 13, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 415, Subchapter F

TRD-202405242

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 415, Provider Clinical Responsibilities--Mental Health Services, Subchapter F, Interventions in 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 C, Interventions in Mental Health Services.

The rules will be transferred in the Texas Administrative Code effective December 13, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 415, Subchapter F

TRD-202405243

Figure: 25 TAC Chapter 415, Subchapter F

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 415. Provider Clinical Responsibilities--Mental Health Services Subchapter F. Interventions in Mental Health Services	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 320. Rights of Individuals Subchapter C. Interventions in Mental Health Services
§415.251. Purpose.	§320.101. Purpose.
§415.252. Application.	§320.103. Application.
§415.253. Definitions.	§320.105. Definitions.
§415.254. General Requirements for Use of Restraint or Seclusion.	§320.107. General Requirements for Use of Restraint or Seclusion.
§415.255. Prohibited and Restricted Practices.	§320.109. Prohibited and Restricted Practices.
§415.256. Mechanical Restraint Devices.	§320.111. Mechanical Restraint Devices.
§415.257. Staff Member Training.	§320.113. Staff Member Training.
§415.258. Actions to be Taken to Release from Restraint or Seclusion for an Emergency Medical Condition or Evacuation Emergency.	§320.115. Actions to be Taken to Release from Restraint or Seclusion for an Emergency Medical Condition or Evacuation Emergency.
§415.259. Special Considerations, Responsibilities, and Alternative Strategies.	§320.117. Special Considerations, Responsibilities, and Alternative Strategies.
§415.260. Initiation of Restraint or Seclusion in a Behavioral Emergency.	§320.119. Initiation of Restraint or Seclusion in a Behavioral Emergency.
§415.261. Time Limitation on an Order for Restraint or Seclusion Initiated in Response to a Behavioral Emergency.	§320.121. Time Limitation on an Order for Restraint or Seclusion Initiated in Response to a Behavioral Emergency.
§415.262. Family Notification.	§320.123. Family Notification.
§415.263. Safekeeping of Personal Possessions During Mechanical Restraint or Seclusion.	§320.125. Safekeeping of Personal Possessions During Mechanical Restraint or Seclusion.
§415.264. Restraint Off Facility Premises or for Transportation.	§320.127. Restraint Off Facility Premises or for Transportation.
§415.265. Communicating with the Individual During Restraint or Seclusion Initiated in Response to a Behavioral Emergency.	§320.129. Communicating with the Individual During Restraint or Seclusion Initiated in Response to a Behavioral Emergency.
§415.266. Observation, Monitoring, and Care of the Individual in Restraint or Seclusion Initiated in Response to a Behavioral Emergency.	§320.131. Observation, Monitoring, and Care of the Individual in Restraint or Seclusion Initiated in Response to a Behavioral Emergency.
§415.267. Safe and Appropriate Techniques for Restraint or Seclusion.	§320.133. Safe and Appropriate Techniques for Restraint or Seclusion.
§415.268. Actions to be Taken when an Individual Falls Asleep in Restraint or Seclusion Initiated in Response to a Behavioral Emergency.	§320.135. Actions to be Taken when an Individual Falls Asleep in Restraint or Seclusion Initiated in Response to a Behavioral Emergency.

§415.269. Transfer of Primary Responsibility for Individual in Restraint or Seclusion.	§320.137. Transfer of Primary Responsibility for Individual in Restraint or Seclusion.
§415.270. Release of an Individual From Restraint or Seclusion.	§320.139. Release of an Individual From Restraint or Seclusion.
§415.271. Actions to be Taken Following Release of an Individual from Restraint or Seclusion Initiated in Response to a Behavioral Emergency.	§320.141. Actions to be Taken Following Release of an Individual from Restraint or Seclusion Initiated in Response to a Behavioral Emergency.
§415.272. Documenting, Reporting, and Analyzing Restraint or Seclusion.	§320.143. Documenting, Reporting, and Analyzing Restraint or Seclusion.
§415.273. Use of Restraint in Situations Involving Non-violent, Non-self-destructive Behavior.	§320.145. Use of Restraint in Situations Involving Non-violent, Non-self-destructive Behavior.
§415.274. Permitted Practices.	§320.147. Permitted Practices.
§415.275. Clinical Timeout and Quiet Time.	§320.149. Clinical Timeout and Quiet Time.
§415.276. Protective and Supportive Devices.	§320.151. Protective and Supportive Devices.

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