

# 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 405, Patient Care--Mental Health Services, Subchapter E, Electroconvulsive Therapy (ECT), that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 307, Behavioral Health Programs, Subchapter I, Electroconvulsive Therapy.

The rules will be transferred in the Texas Administrative Code effective December 27, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 405, Subchapter E

TRD-202405598

## 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 405, Patient Care--Mental Health Services, Subchapter E, Electroconvulsive Therapy (ECT), that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 307, Behavioral Health Programs, Subchapter I, Electroconvulsive Therapy.

The rules will be transferred in the Texas Administrative Code effective December 27, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 405, Subchapter E

TRD-202405599

Figure: 25 TAC Chapter 405, Subchapter E

<b>Current Rules</b> <b>Title 25. Health Services</b> <b>Part 1. Department of State Health Services</b> <b>Chapter 405. Patient Care--Mental Health Services</b> <b>Subchapter E. Electroconvulsive Therapy (ECT)</b>	<b>Move to</b> <b>Title 26. Health and Human Services</b> <b>Part 1. Health and Human Services Commission</b> <b>Chapter 307. Behavioral Health Programs</b> <b>Subchapter I. Electroconvulsive Therapy</b>
§405.101. Purpose.	§307.501. Purpose.
§405.102. Application.	§307.503. Application.
§405.103. Definitions.	§307.505. Definitions.
§405.104. General Requirements.	§307.507. General Requirements.
§405.105. Indications and Contraindications for the Use of Electroconvulsive Therapy (ECT).	§307.509. Indications and Contraindications for the Use of Electroconvulsive Therapy.
§405.106. Medical Evaluation Required Prior to a Course of Electroconvulsive Therapy (ECT).	§307.511. Medical Evaluation Required Before Adminstrating Electroconvulsive Therapy.
§405.107. Consultation Required.	§307.513. Consultation Required.
§405.108. Informed Consent to ECT.	§307.515. Informed Consent.
§405.109. Limitations on Use: Number per Year and Number per Series of Treatments.	§307.517. Limitations on the Use of Electroconvulsive Therapy.
§405.110. Personnel and Equipment Procedures.	§307.519. Personnel and Equipment Procedures.
§405.111. Prohibition of Induction of Seizure by Chemical or Gaseous Agent.	§307.521. Prohibiting a Chemical or Gaseous Agent to Induce a Seizure.
§405.112. Report of ECT.	§307.523. Reporting Requirements.
§405.113. ECT on Outpatient Basis.	§307.525. Outpatient Electroconvulsive Therapy.
§405.114. Registration of ECT Stimulus Apparatus.	§307.527. Electroconvulsive Therapy Stimulus Apparatus Registration.
§405.115. Enforcement and Penalties.	§307.529. Enforcement and Penalties.
§405.117. Exhibits.	§307.531. Exhibits.

## Department of State Health Services

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The rules will be transferred in the Texas Administrative Code effective December 27, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 414, Subchapter I

TRD-202405600

## 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 I, Consent to Treatment with Psychoactive Medication--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 B, Consent to Treatment with Psychoactive Medication.

The rules will be transferred in the Texas Administrative Code effective December 27, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 414, Subchapter I

TRD-202405601

Figure: 25 TAC Chapter 414, Subchapter I

<b>Current Rules</b> <b>Title 25. Health Services</b> <b>Part 1. Department of State Health Services</b> <b>Chapter 414. Rights and Protections of Persons Receiving Mental Health Services</b> <b>Subchapter I. Consent to Treatment with Psychoactive Medication--Mental Health Services</b>	<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 B. Consent to Treatment with Psychoactive Medication</b>
§414.401. Purpose.	§320.51. Purpose.
§414.402. Application.	§320.53. Application.
§414.403. Definitions.	§320.55. Definitions.
§414.404. Information Required To Be Given.	§320.57. Information Required To Be Given.
§414.405. Documentation of Informed Consent.	§320.59. Documentation of Informed Consent.
§414.406. Patients Admitted under Texas Statutes.	§320.61. Patients Admitted under Texas Statutes.
§414.407. Patients Committed to Mental Health Facilities under Provisions of the Texas Health and Safety Code.	§320.63. Patients Committed to Mental Health Facilities under Provisions of the Texas Health and Safety Code.
§414.408. Patients Committed to Mental Health Facilities under Provisions Other than Those Found in the Texas Health and Safety Code (i.e., Code of Criminal Procedure, Family Code).	§320.65. Patients Committed to Mental Health Facilities under Provisions Other than Those Found in the Texas Health and Safety Code (i.e., Code of Criminal Procedure, Family Code).
§414.409. Involuntary Administration of Medication to Patients Committed to Mental Health Facilities under the Texas Health and Safety Code or by Court Order.	§320.67. Involuntary Administration of Medication to Patients Committed to Mental Health Facilities under the Texas Health and Safety Code or by Court Order.
§414.410. Psychiatric Emergencies.	§320.69. Psychiatric Emergencies.
§414.411. Order Authorizing Administration of Psychoactive Medication.	§320.71. Order Authorizing Administration of Psychoactive Medication.
§414.412. Designation of Medication Classes.	§320.73. Designation of Medication Classes.
§414.413. Monitoring Compliance with Policies and Procedures.	§320.75. Monitoring Compliance with Policies and Procedures.

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