

# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which

invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

## Proposed Rule Reviews

Department of Information Resources

### Title 1, Part 10

The Texas Department of Information Resources (department) files this notice of intention to review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 1, Chapter 213, §213.1 - 213.42, Electronic and Information Resources. The review and consideration of the rules are conducted in accordance with Texas Government Code § 2001.039. The review will include, at a minimum, an assessment by the department of whether the reasons the rules were initially adopted continue to exist and whether the rules should be re-adopted.

Any questions or written comments pertaining to this rule review may be submitted to Christi Koenig Brisky, Assistant General Counsel, via mail at P.O. Box 13654, Austin, Texas 78711, via facsimile transmission at (512) 475-4759, or via electronic mail to rule.review@dir.texas.gov. The deadline for comments is thirty (30) days after publication of this notice in the *Texas Register*. Any proposed changes to the rules as a result of the rule review will be published in the Proposed Rules section of the *Texas Register*. The proposed rule changes will be open for public comment prior to the final adoption or repeal of the rule by the department in accordance with the requirements of the Texas Administrative Procedure Act, Texas Government Code Chapter 2001.

TRD-202304054

Joshua R. Godbey  
General Counsel

Department of Information Resources  
Filed: November 1, 2023



Texas Health and Human Services Commission

### Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re-adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code:

Chapter 386, Disaster Assistance Program

Subchapter A General Information

Subchapter B Eligibility Criteria for Other Needs Assistance (ONA) Grants

Subchapter C Applying for An Other Needs Assistance Grant

Subchapter D Reconsideration and Appeals

Subchapter E National Flood Insurance Program (NFIP)

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 386, Disaster Assistance Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 386" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the chapter being reviewed will not be published, but may be found in Title 1, Part 15, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (texas.gov).

TRD-202304055

Jessica Miller  
Director, Rules Coordination Office  
Texas Health and Human Services Commission  
Filed: November 1, 2023



Texas Historical Commission

### Title 13, Part 2

The Texas Historical Commission files this notice of intent to review and consider for re-adoption, revision or repeal, Chapter 17, related to the State Architectural Programs.

Pursuant to Texas Government Code 2001.039, the Texas Historical Commission will assess whether the reason(s) for initially adopting these rules continue to exist. The rule will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current general provisions in the governance of the Commission and/or whether it is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedures Act).

The Commission will accept written comments received on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*. Comments as to whether the reasons for initially adopting these rules continue to exist may be submitted to Elizabeth Brummett, Director, Architecture Division, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276, or by email

to elizabeth.brummett@thc.texas.gov. Any changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for a 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202304062  
Mark Wolfe  
Executive Director  
Texas Historical Commission  
Filed: November 3, 2023



Texas Education Agency

### **Title 19, Part 2**

Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter AA, Commissioner's Rules Concerning the Commissioner's List of Electronic Instructional Materials; Subchapter BB, Commissioner's Rules Concerning State-Developed Open-Source Instructional Materials; Subchapter CC, Commissioner's Rules Concerning Instructional Materials and Technology Allotment; and Subchapter DD, Instructional Materials Portal, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 66, Subchapters AA-DD, continue to exist. House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, implemented significant changes to the instructional materials review and adoption process. Existing rules in Chapter 66, Subchapters AA-DD, will continue to apply to instructional materials adopted under Proclamation 2024 and before. TEA anticipates adopting new rules to implement the changes made by HB 1605, and the new rules would apply to all future calls for instructional materials.

The public comment period on the review begins November 17, 2023, and ends December 18, 2023. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202304112  
Cristina De La Fuente-Valadez  
Director, Rulemaking  
Texas Education Agency  
Filed: November 8, 2023



Texas State Board of Dental Examiners

### **Title 22, Part 5**

The Texas State Board of Dental Examiners (Board) files this Notice of Intent to Review to consider for re-adoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 22, Part 5, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

Chapter 103, Dental Hygiene Licensure

Chapter 104, Continuing Education

During the review, the Board will assess whether the reasons for adopting or readopting the rules in these chapters continue to exist. The Board will review each rule to determine whether it is obsolete, whether

the rule reflects current legal and policy considerations, and whether the rule reflects current Board procedures. This review is required every four years.

Written comments regarding the review of these chapters may be submitted to Carol Pepper, Legal Assistant at 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701; by facsimile to (512) 649-2482; or by email to [official\\_rules\\_comments@tsbde.texas.gov](mailto:official_rules_comments@tsbde.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

Any proposed changes to the rules in these chapters as a result of the rule review will be published in the Proposed Rules section of the *Texas Register*. The proposed rules will be open for public comment before final adoption by the Board in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202304068  
Lauren Studdard  
General Counsel  
State Board of Dental Examiners  
Filed: November 3, 2023



Health and Human Services Commission

### **Title 26, Part 1**

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re-adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 371, Breast and Cervical Cancer Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 371, Breast and Cervical Cancer Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [HHSRulesCoordinationOffice@hhs.texas.gov](mailto:HHSRulesCoordinationOffice@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 371" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([texas.gov](http://texas.gov)).

TRD-202304056  
Jessica Miller  
Director, Rules Coordination Office  
Health and Human Services Commission  
Filed: November 1, 2023



Office of Injured Employee Counsel

### **Title 28, Part 6**

The Office of Injured Employee Counsel (OIEC) will review all sections and subchapters of Chapter 276 of Title 28, Part 6, of the Texas

Administrative Code, in accordance with §2001.039 of the Texas Government Code.

OIEC will consider whether the reasons for initially adopting these rules continue to exist and whether these rules should be repealed, readopted, or readopted with amendments. Any repeals or necessary amendments identified during the review of these rules will be proposed and published in the *Texas Register* in accordance with the Administrative Procedures Act, Texas Government Code Ch. 2001.

You may submit comments on whether these rules should be repealed, readopted, or readopted with amendments. Please submit any comments in writing no later than 30 days from the date this notice is published in the *Texas Register*. Comments must be received or postmarked by the 30th day from publication of this notice to be considered. Comments received after that date will not be considered.

Comments should clearly specify the particular section of the rule to which they apply and include proposed alternative language as appropriate. General comments should be designated as such.

Comments may be submitted by e-mail to Kathleen.Contreras@oiec.texas.gov or by mailing or delivering your comments to Kathleen Contreras, Office of Injured Employee Counsel, P.O. Box 12876, Austin, Texas 78711-2876.

TRD-202304066  
Robert Rucker  
General Counsel  
Office of Injured Employee Counsel  
Filed: November 3, 2023



## Adopted Rule Reviews

Texas Education Agency

### Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 97, Planning and Accountability, Subchapter AA, Account-

ability and Performance Monitoring; Subchapter BB, Memoranda of Understanding; Subchapter EE, Accreditation Status, Standards, and Sanctions; and Subchapter FF, Commissioner's Rules Concerning the Job Corps Diploma Program, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 97 in the August 4, 2023 issue of the *Texas Register* (48 TexReg 4283).

Relating to the review of 19 TAC Chapter 97, Subchapter AA, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. TEA received no comments related to the review. No changes are anticipated as a result of the review.

Relating to the review of 19 TAC Chapter 97, Subchapter BB, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. TEA received no comments related to the review. In the future, TEA anticipates making updates to §97.1012, regarding the memorandum of understanding between TEA and the Texas School for the Blind and Visually Impaired.

Relating to the review of 19 TAC Chapter 97, Subchapter EE, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. TEA received no comments related to the review. In the future, TEA anticipates updating rules throughout the subchapter.

Relating to the review of 19 TAC Chapter 97, Subchapter FF, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. TEA received no comments related to the review. No changes are anticipated as a result of the review.

This concludes the review of 19 TAC Chapter 97.

TRD-202304113  
Cristina De La Fuente-Valadez  
Director, Rulemaking  
Texas Education Agency  
Filed: November 8, 2023

