

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

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 353, Medicaid Managed Care
 - Subchapter A General Provisions
 - Subchapter B Provider and Member Education Programs
 - Subchapter C Member Bill of Rights and Responsibilities
 - Subchapter E Standards for Medicaid Managed Care
 - Subchapter F Special Investigative Units
 - Subchapter G STAR+PLUS
 - Subchapter H STAR Health
 - Subchapter I STAR
 - Subchapter J Outpatient Pharmacy Services
 - Subchapter K Children's Medicaid Dental Services
 - Subchapter L Texas Dual Eligibles Integrated Care Demonstration Project
 - Subchapter M Home and Community Based Services In Managed Care
 - Subchapter N STAR Kids
 - Subchapter O Delivery System and Provider Payment Initiatives
 - Subchapter P Mental Health Targeted Case Management And Mental Health Rehabilitation
 - Subchapter Q Process to Recoup Certain Overpayments
 - Subchapter R Telecommunications in Managed Care Service Coordination and Assessments

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 353, Medicaid Managed Care, 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 com-

ments, please indicate "Comments on Proposed Rule Review Chapter 353" 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-202304990

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: December 27, 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 554, Nursing Facility Requirements for Licensure and Medicaid Certification

- Subchapter A Basis and Scope
- Subchapter B Definitions
- Subchapter C Nursing Facility Licensure Application Process
- Subchapter D Facility Construction
- Subchapter E Resident Rights
- Subchapter F Admission, Transfer, And Discharge Rights in Medicaid-Certified Facilities
- Subchapter G Freedom from Abuse, Neglect, And Exploitation
- Subchapter H Quality of Life
- Subchapter I Resident Assessment
- Subchapter J Quality of Care
- Subchapter K Nursing Services
- Subchapter L Food and Nutrition Services
- Subchapter M Physician Services
- Subchapter N Rehabilitative Services
- Subchapter O Dental Services

- Subchapter P Pharmacy Services
- Subchapter Q Infection Control
- Subchapter R Physical Plant and Environment
- Subchapter T Administration
- Subchapter U Inspections, Surveys, And Visits
- Subchapter V Enforcement
- Subchapter W Certification of Facilities for Care of Persons with Alzheimer's Disease and Related Disorders
- Subchapter X Requirements for Medicaid-Certified Facilities
- Subchapter Y Medical Necessity Determinations
- Subchapter AA Vendor Payment
- Subchapter BB Nursing Facility Responsibilities Related to Preadmission Screening and Resident Review (PASRR)

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 554, Nursing Facility Requirements for Licensure and Medicaid Certification 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 554" 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).

TRD-202400031
 Jessica Miller
 Director, Rules Coordination Office
 Health and Human Services Commission
 Filed: January 3, 2024



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

- Chapter 744, Minimum Standards for School-Age and Before or After-School Programs
- Subchapter A Purpose, Scope, and Definitions
- Subchapter B Administration and Communication
- Subchapter C Record Keeping
- Subchapter D Personnel
- Subchapter E Child/Caregiver Ratios and Group Sizes
- Subchapter F Developmental Activities and Equipment
- Subchapter G Discipline and Guidance
- Subchapter H Naptime
- Subchapter I Field Trips

- Subchapter J Nutrition and Food Service
- Subchapter K Health Practices
- Subchapter L Safety Practices
- Subchapter M Physical Facilities
- Subchapter N Indoor and Outdoor Active Play Space and Equipment
- Subchapter O Swimming Pools, Wading/Splashing Pools, and Sprinkler Play
- Subchapter P Fire Safety and Emergency Practices
- Subchapter Q Transportation

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 744, Minimum Standards for School-Age and Before or After-School Programs, 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 744" 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).

TRD-202304999
 Jessica Miller
 Director, Rules Coordination Office
 Health and Human Services Commission
 Filed: December 28, 2023



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

- Chapter 746, Minimum Standards for Child-Care Centers
- Subchapter A Purpose, Scope, and Definitions
- Subchapter B Administration and Communication
- Subchapter C Record Keeping
- Subchapter D Personnel
- Subchapter E Child/Caregiver Ratios and Group Sizes
- Subchapter F Developmental Activities and Activity Plan
- Subchapter H Basic Care Requirements for Infants
- Subchapter I Basic Care Requirements for Toddlers
- Subchapter J Basic Care Requirements for Pre-Kindergarten Age Children
- Subchapter K Basic Care Requirements for School-Age Children
- Subchapter L Discipline and Guidance
- Subchapter M Naptime

- Subchapter N Field Trips
- Subchapter O Get-Well Care Programs
- Subchapter P Nighttime Care
- Subchapter Q Nutrition and Food Service
- Subchapter R Health Practices
- Subchapter S Safety Practices
- Subchapter T Physical Facilities
- Subchapter U Indoor and Outdoor Active Play Space And Equipment
- Subchapter V Swimming Pools, Wading/Splashing Pools, And Sprinkler Play
- Subchapter W Fire Safety and Emergency Practices
- Subchapter X Transportation

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 746, Minimum Standards for Child-Care Centers, 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 746" 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).

TRD-202305000
 Jessica Miller
 Director, Rules Coordination Office
 Health and Human Services Commission
 Filed: December 28, 2023



Adopted Rule Reviews

Health and Human Services Commission

Title 26, Part 1

The Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code:

- Chapter 87, Ombudsman Services
- Subchapter A Office of the Ombudsman
- Subchapter B Ombudsman Managed Care Assistance
- Subchapter C Ombudsman for Children and Youth in Foster Care
- Subchapter D Ombudsman for Behavioral Health
- Subchapter E Intellectual or Developmental Disability Ombudsman

Notice of the review of this chapter was published in the November 3, 2023, issue of the *Texas Register* (48 TexReg 6396). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 87 in accordance with §2001.039 of the Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 87. Any amendments or repeals to Chapter 87 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 87 as required by the Government Code, §2001.039.

TRD-202304993
 Jessica Miller
 Director, Rules Coordination Office
 Health and Human Services Commission
 Filed: December 27, 2023



The Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code:

- Chapter 357, Independent Living Services
- Subchapter A General Rules
- Subchapter B Allocation of Funds
- Subchapter C Independent Living Services
- Subchapter D Consumer Participation
- Subchapter E Consumer Rights
- Subchapter F Technical Assistance and Training
- Subchapter G Referrals

Notice of the review of this chapter was published in the November 3, 2023, issue of the *Texas Register* (48 TexReg 6471). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 357 in accordance with §2001.039 of the Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 357. Any amendments or repeals to Chapter 357 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 357 as required by the Government Code, §2001.039.

TRD-202304992
 Jessica Miller
 Director, Rules Coordination Office
 Health and Human Services Commission
 Filed: December 27, 2023



Office of Injured Employee Counsel

Title 28, Part 6

The Office of Injured Employee Counsel (OIEC) will readopt all sections and subchapters of Chapter 276 of Title 28, Part 6, of the Texas Administrative Code, pursuant to the Administrative Procedure Act, Texas Government Code §2001.039. The notice of intention to review Chapter 276 was published in the *Texas Register* on November 17, 2023, (48 TexReg 6752). APA §2001.039 requires that each state agency review its rules every four years and readopt, readopt with

amendments, or repeal the rules adopted by that agency pursuant to the Texas Government Code, Chapter 2001. Such reviews must include, at a minimum, an assessment by the agency as to whether the reason for adopting or readopting the rules continues to exist. OIEC has completed the review of the rules in Chapter 276 pursuant to APA §2001.039 and finds that the reasons for adopting the rules in Chapter 276 continue to exist.

OIEC requested comments on whether the reasons for adopting the rules in Chapter 276 continue to exist. OIEC received no comments.

This concludes the review of Chapter 276.

TRD-202304989

Robert Rucker

General Counsel

Office of Injured Employee Counsel

Filed: December 27, 2023

