

# ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 89. ADAPTATIONS FOR SPECIAL POPULATIONS

##### SUBCHAPTER A. GIFTED/TALENTED EDUCATION

###### 19 TAC §89.1

The State Board of Education (SBOE) adopts an amendment to §89.1, concerning gifted and talented education. The amendment is adopted without changes to the proposed text as published in the October 10, 2025 issue of the *Texas Register* (50 TexReg 6620) and will not be republished. The adopted amendment ensures that a district's identification of gifted and talented students complies with all legal requirements and federal and state executive orders.

**REASONED JUSTIFICATION:** Section 89.1 establishes requirements for the identification of gifted and talented students. The amendment adds new paragraph (4) to align identification criteria with all legal requirements and federal and state executive orders and revises paragraph (5) to require that the selection committee be trained in the identification of gifted students.

The SBOE approved the amendment for first reading and filing authorization at its September 12, 2025 meeting and for second reading and final adoption at its November 21, 2025 meeting.

In accordance with Texas Education Code (TEC), §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The earlier effective date will ensure school district policies comply with state and federal requirements as soon as possible. The effective date is 20 days after filing as adopted with the *Texas Register*.

**SUMMARY OF COMMENTS AND RESPONSES:** The public comment period began October 10, 2025, and ended at 5:00 p.m. on November 10, 2025. The SBOE also provided an opportunity for registered oral and written comments at its November 2025 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

**Comment.** An administrator requested that identification include standardized, norm-referenced assessments and transferable data to ensure continuity of services, emphasizing that a child's academic needs should not depend on residence or school enrollment.

**Response.** The SBOE disagrees. Statute requires a multi-dimensional approach to gifted identification, not a single test

score. TEC, §§29.121-29.123, the Texas State Plan for the Education of Gifted/Talented Students, and 19 TAC §89.1 require multiple criteria, equitable access, and procedures for transfer students to ensure prior data is considered.

**Comment.** A teacher commented in support of the proposed amendment and also requested additional, less costly resources to assess students across all areas of giftedness.

**Response.** The SBOE agrees and will consider developing guidance on the various assessments for gifted/talented identification by specific areas.

**Comment.** An administrator commented in support of the proposed amendment.

**Response.** The SBOE agrees.

**STATUTORY AUTHORITY.** The amendment is adopted under Texas Education Code (TEC), §29.121, which establishes the definition of a gifted and talented student; TEC, §29.122, which establishes that each school district shall adopt a process for identifying and serving gifted and talented students; TEC, §29.123, which establishes that the State Board of Education shall develop and update a state plan for the education of gifted and talented students to guide school districts; TEC, §39.236, which establishes criteria for the commissioner to adopt standards to evaluate school district programs for gifted and talented students; and TEC, §48.109, which establishes criteria for utilizing the gifted and talented student allotment funds.

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §§29.121, 29.122, 29.123, 39.236, and 48.109.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 9, 2026.

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Cristina De La Fuente-Valadez

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Texas Education Agency

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## TITLE 26. HEALTH AND HUMAN SERVICES

### PART 1. HEALTH AND HUMAN SERVICES COMMISSION

## CHAPTER 356. FAMILY VIOLENCE PROGRAM

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §§356.603, concerning Eligibility; 356.1303, concerning Eligibility; 356.1316, concerning Policies and Procedures Regarding Entries in a Program Participant's Record; 356.1403, concerning Crisis Call Hotline; 356.2003, concerning Eligibility; 356.2016, concerning Policies and Procedures Regarding Entries in a Program Participant's Record; and 356.2103, concerning Crisis Call Hotline; the repeal of §356.1323, concerning Policies and Procedures for the Retention and Destruction of Documentation; and the repeal of §356.2023, concerning Policies and Procedures for the Retention and Destruction of Documentation.

Sections 356.603, 356.1303, 356.1316, 356.1323, 356.1403, 356.2003, 356.2016, 356.2023, and 356.2103 are adopted without changes to the proposed text as published in the October 10, 2025 issue of the *Texas Register* (50 TexReg 6649). These rules will not be republished.

### BACKGROUND AND JUSTIFICATION

The repeal of §356.1323 and §356.2023 removes rules from 26 Texas Administrative Code, Chapter 356, on retention and destruction of documentation procedures because these requirements are in the HHSC contract related to family violence service delivery. The amendments to §§356.1316, 356.1403, 356.2016, and 356.2103 remove references to the repealed rules.

Further, the amendments to §§356.603, 356.1303, and 356.2003 clarify that there are four types of victims who may be eligible for services in the Family Violence Program. The amendments clarify existing eligibility criteria and do not impact eligibility for services.

### COMMENTS

The 31-day comment period ended November 10, 2025.

During this period, HHSC did not receive any comments regarding the proposed rules.

## SUBCHAPTER B. SHELTER CENTERS DIVISION 6. PROGRAM ADMINISTRATION

### 26 TAC §356.603

#### STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §51.010, which authorizes the executive commissioner of HHSC to adopt rules governing the HHSC Family Violence Program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray

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## SUBCHAPTER C. SPECIAL NONRESIDENTIAL PROJECT CENTERS

### DIVISION 6. PROGRAM ADMINISTRATION

### 26 TAC §356.1303, §356.1316

#### STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §51.010, which authorizes the executive commissioner of HHSC to adopt rules governing the HHSC Family Violence Program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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### 26 TAC §356.1323

#### STATUTORY AUTHORITY

The repeal is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §51.010, which authorizes the executive commissioner of HHSC to adopt rules governing the HHSC Family Violence Program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## DIVISION 7. SERVICE DELIVERY

### 26 TAC §356.1403

#### STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §51.010, which authorizes the executive commissioner of HHSC to adopt rules governing the HHSC Family Violence Program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## SUBCHAPTER D. NONRESIDENTIAL CENTERS

## DIVISION 6. PROGRAM ADMINISTRATION

### 26 TAC §356.2003, §356.2016

#### STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §51.010, which authorizes the executive commissioner of HHSC to adopt rules governing the HHSC Family Violence Program.

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### 26 TAC §356.2023

#### STATUTORY AUTHORITY

The repeal is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of

services by the health and human services system, and Texas Human Resources Code §51.010, which authorizes the executive commissioner of HHSC to adopt rules governing the HHSC Family Violence Program.

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## DIVISION 7. SERVICE DELIVERY

### 26 TAC §356.2103

#### STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §51.010, which authorizes the executive commissioner of HHSC to adopt rules governing the HHSC Family Violence Program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## TITLE 28. INSURANCE

### PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

#### CHAPTER 133. GENERAL MEDICAL PROVISIONS

**INTRODUCTION.** The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopts amended 28 TAC §§133.240, 133.250, 133.305, and 133.308, concerning medical disputes for workers' compensation claims. The amendments implement House Bill (HB) 1306, 89th Legislature, Regular Session (2025).

The amendments to §§133.240, 133.250, 133.305, and 133.308 are adopted without changes to the proposed text published in the October 24, 2025, issue of the *Texas Register* (50 TexReg 6982). Sections 133.240, 133.250, 133.305, and 133.308 will not be republished.

**REASONED JUSTIFICATION.** HB 1306 added Texas Labor Code §504.057, which requires expedited medical benefits and accelerated medical dispute resolution for claims for medical benefits by a death investigation professional who sustains a serious bodily injury in the course and scope of employment, and requires that the death investigation professional inform DWC and the independent review organization that a contested case hearing or appeal involves a death investigation professional. The amendments are necessary to implement the changes in HB 1306. They specify that the insurance carrier must expedite and give priority to a claim for medical benefits by a death investigation professional who sustains a serious bodily injury in the course and scope of employment, including all health care required to cure or relieve the effects naturally resulting from a compensable injury. They also specify that DWC will accelerate and give priority to an appeal from a denial of a claim for medical benefits, and that the death investigation professional must provide notice to DWC and the independent review organization that a contested case or appeal involves a death investigation professional.

Section 133.240. The amendments to §133.240 add the requirement from HB 1306 that an insurance carrier must accelerate and give priority to a qualifying claim for medical benefits by a death investigation professional, including all required health care for the claim. Amending §133.240 is necessary to ensure that the rule is consistent with HB 1306.

Section 133.250. The amendments to §133.250 add the requirement from HB 1306 that an insurance carrier must accelerate and give priority to a qualifying claim for medical benefits by a death investigation professional, including all required health care for the claim. Amending §133.250 is necessary to ensure that the rule is consistent with HB 1306.

Section 133.305. The amendment to §133.305 adds a definition of "death investigation professional" to tie it to the definition in Labor Code §504.057 from HB 1306. Amending §133.305 is necessary to ensure that the rule is consistent with HB 1306.

Section 133.308. The amendments to §133.308 add the requirement from HB 1306 that DWC will accelerate and give priority to an appeal from a denial of a qualifying claim for medical benefits made by a death investigation professional, as well as to actions involving all health care required to cure or relieve the effects naturally resulting from a compensable injury. The amendments add the requirement from HB 1306 that the death investigation professional must notify DWC and the independent review organization that the contested case hearing or appeal involves a death investigation professional. Amending §133.308 is necessary to ensure that the rule is consistent with HB 1306.

#### **SUMMARY OF COMMENTS AND INFORMATION SUBMITTED, AND AGENCY RESPONSE.**

Commenters: DWC received one written comment, and no oral comments. No commenters included information, data, research, or analysis about the cost, benefit, or effect of the proposal. The commenter, which was in support of the proposal, was the Office of Injured Employee Counsel (OIEC).

Comment on §§133.240, 133.250, 133.305, and 133.308. OIEC stated that they support the amendments as they benefit the injured employees of Texas to ensure conformity with HB 1306.

Agency Response to Comment on §§133.240, 133.250, 133.305, and 133.308. DWC appreciates the comment.

### **SUBCHAPTER C. MEDICAL BILL PROCESSING/AUDIT BY INSURANCE CARRIER**

#### **28 TAC §133.240, §133.250**

**STATUTORY AUTHORITY.** The commissioner of workers' compensation adopts amended §133.240 and §133.250 under Labor Code §§504.057, 402.00111, 402.00116, and 402.061.

Labor Code §504.057 requires that insurance carriers expedite claims for medical benefits by death investigation professionals who sustain a serious bodily injury in the course and scope of employment, that DWC accelerate disputes about those claims, and that the death investigation professionals inform DWC and the independent review organization that a contested case hearing or appeal involves a death investigation professional.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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### **SUBCHAPTER D. DISPUTE OF MEDICAL BILLS**

#### **28 TAC §133.305, §133.308**

**STATUTORY AUTHORITY.** The commissioner of workers' compensation adopts amended §133.305 and §133.308 under Labor Code §§504.057, 402.00111, 402.00116, and 402.061.

Labor Code §504.057 requires that insurance carriers expedite claims for medical benefits by death investigation professionals who sustain a serious bodily injury in the course and scope of employment, that DWC accelerate disputes about those claims, and that the death investigation professionals inform DWC and

the independent review organization that a contested case hearing or appeal involves a death investigation professional.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## CHAPTER 134. BENEFITS--GUIDELINES FOR MEDICAL SERVICES, CHARGES, AND PAYMENTS

### SUBCHAPTER G. PROSPECTIVE AND CONCURRENT REVIEW OF HEALTH CARE

#### 28 TAC §134.600

**INTRODUCTION.** The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopts amended 28 TAC §134.600, concerning preauthorization, concurrent utilization review, and voluntary certification of health care. The amendment implements House Bill (HB) 1306, 89th Legislature, Regular Session (2025).

The amendment to §134.600 is adopted without changes to the proposed text published in the October 24, 2025, issue of the *Texas Register* (50 TexReg 6985). Section 134.600 will not be republished.

**REASONED JUSTIFICATION.** HB 1306 added Texas Labor Code §504.057, which requires expedited medical benefits and accelerated medical dispute resolution for claims for medical benefits by a death investigation professional who sustains a serious bodily injury in the course and scope of employment, and requires that the death investigation professional inform DWC and the independent review organization that a contested case hearing or appeal involves a death investigation professional. The amendment is necessary to implement the changes in HB 1306.

Section 134.600. The amendment to §134.600 adds the requirement from HB 1306 that an insurance carrier must accelerate and give priority to a qualifying claim for medical benefits by a death investigation professional, including all required health care for the claim. Amending §134.600 is necessary to ensure that the rule is consistent with HB 1306.

#### SUMMARY OF COMMENTS AND INFORMATION SUBMITTED, AND AGENCY RESPONSE.

**Commenters:** DWC received one written comment, and no oral comments. No commenters included information, data, research, or analysis about the cost, benefit, or effect of the proposal. The commenter, which was in support of the proposal, was the Office of Injured Employee Counsel (OIEC).

**Comment on §134.600.** OIEC stated that they support the amendments as they benefit the injured employees of Texas to ensure conformity with HB 1306.

**Agency Response to Comment on §134.600.** DWC appreciates the comment.

**STATUTORY AUTHORITY.** The commissioner of workers' compensation adopts amended §134.600 under Labor Code §§504.057, 402.00111, 402.00116, and 402.061.

Labor Code §504.057 requires that insurance carriers expedite claims for medical benefits by death investigation professionals who sustain a serious bodily injury in the course and scope of employment, that DWC accelerate disputes about those claims, and that the death investigation professionals inform DWC and the independent review organization that a contested case hearing or appeal involves a death investigation professional.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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