

# 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 395, Civil Rights

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 395, Civil Rights, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [Chapter395review@hhs.texas.gov](mailto:Chapter395review@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 395" 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The text of the chapter being reviewed will not be published, but may be found in Title 1, Part 15, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401156

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: March 13, 2024



Office of Consumer Credit Commissioner

### Title 7, Part 5

On behalf of the Finance Commission of Texas (commission), the Office of Consumer Credit Commissioner files this notice of intention to review and consider for re adoption, revision, or repeal, Texas Administrative Code, Title 7, Part 5, Chapter 87, concerning Tax Refund Anticipation Loans.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept written comments received on or before the 30th day after the date this notice is published

in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Office of Consumer Credit Commissioner, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, or by email to [rule.comments@occc.texas.gov](mailto:rule.comments@occc.texas.gov). Any proposed 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 an additional public comment period prior to final adoption or repeal by the commission.

TRD-202401215

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Filed: March 19, 2024



Joint Financial Regulatory Agencies

### Title 7, Part 8

On behalf of the Finance Commission of Texas and the Texas Credit Union Commission (commissions), the Office of Consumer Credit Commissioner files this notice of intention to review and consider for re adoption, revision, or repeal, the following chapters in Texas Administrative Code, Title 7, Part 8: Chapter 151, concerning Home Equity Lending Procedures; Chapter 152, concerning Repair, Renovation, and New Construction on Homestead Property; and Chapter 153, concerning Home Equity Lending.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commissions will accept written comments received on or before the 30th day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Joint Financial Regulatory Agencies (Texas Department of Banking, Department of Savings and Mortgage Lending, Office of Consumer Credit Commissioner, and Texas Credit Union Department), which administer these rules, believe that the reasons for adopting the rules contained in these chapters continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, or by email to [rule.comments@occc.texas.gov](mailto:rule.comments@occc.texas.gov). Any proposed 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 an additional public comment period prior to final adoption or repeal by the commissions.

TRD-202401217

Matthew Nance

General Counsel, Office of Consumer Credit Commissioner

Joint Financial Regulatory Agencies

Filed: March 19, 2024



Texas Board of Nursing

### Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) files this notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapter contained in Title 22, Part 11, of the Texas Administrative Code, pursuant to the 2022 rule review plan adopted by the Board at its April 2022 meeting.

Chapter 220. Nurse Licensure Compact §220.1

Chapter 223. Fees §223.1, §223.2

Chapter 224. Delegation of Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel for Clients with Acute Conditions or in Acute Care Environments §§224.1 - 224.11

Chapter 226. Patient Safety Pilot Programs on Nurse Reporting Systems §§226.1 - 226.7

In conducting its review, the Board will assess whether the reasons for originally adopting these chapters continue to exist. Each section of these chapters will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations and current procedures and practices of the Board, and whether it is in compliance with Chapter 2001 of the Government Code (Administrative Procedure Act).

The public has thirty (30) days from the publication of this rule review in the *Texas Register* to comment and submit any response or suggestions. Written comments may be submitted to Dusty Johnston, General Counsel, Texas Board of Nursing, 1801 Congress Ave., Suite 10-200, Austin, Texas 78701, by email to [dusty.johnston@bon.texas.gov](mailto:dusty.johnston@bon.texas.gov), or by fax to Dusty Johnston at (512) 305-8101. Any proposed changes to this chapter as a result of this review will be published separately in the Proposed Rules section of the *Texas Register* and will be open for an additional comment period prior to the final adoption or repeal by the Board.

TRD-202401198

James W. Johnston

General Counsel

Texas Board of Nursing

Filed: March 18, 2024



Department of State Health Services

### Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of Texas Department of State Health Services (DSHS), proposes to review and consider for re-adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 401, Mental Health System Administration

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 401, Mental Health System Administration, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [bhs\\_rules@hhs.texas.gov](mailto:bhs_rules@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 401" 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 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401202

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: March 18, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for re-adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 404, Protection of Clients and Staff--Mental Health 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 404, Protection of Clients and Staff--Mental Health Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [bhs\\_rules@hhs.texas.gov](mailto:bhs_rules@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 404" 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 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401203

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: March 18, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services, proposes to review and consider for re-adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 412, Local Mental Health Authority Responsibilities

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 412, Local Mental Health Authority Responsibilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [bhs\\_rules@hhs.texas.gov](mailto:bhs_rules@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 412" 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 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401158

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: March 14, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 415, Provider Clinical Responsibilities--Mental Health 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 415, Provider Clinical Responsibilities--Mental Health Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [healthandspecialtycare@hhsc.state.tx.us](mailto:healthandspecialtycare@hhsc.state.tx.us). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 415" 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 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401170

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: March 15, 2024



Health and Human Services Commission

**Title 26, Part 1**

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 555, Nursing Facility Administrators

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 555, Nursing Facility Administrators, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [HH-SCLTCRRules@hhs.texas.gov](mailto:HH-SCLTCRRules@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 555" 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 ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401211

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: March 19, 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 556, Nurse Aides

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 556, Nurse Aides, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [HH-SCLTCRRules@hhs.texas.gov](mailto:HH-SCLTCRRules@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 556" 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 ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401204

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: March 18, 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 557, Medication Aides--Program Requirements

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 557, Medication Aides--Program Requirements, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [HHSCRules@hhs.texas.gov](mailto:HHSCRules@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 557" 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 ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202401213

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: March 19, 2024



#### Texas Emergency Services Retirement System

##### Title 34, Part 11

The Board of Trustees of the Texas Emergency Services Retirement System ("Board") files this notice of intent to review the following chapters in 34 Texas Administrative Code: Chapter 302, General Provisions Relating to the Texas Emergency Retirement System, Chapter 304, Membership in the Texas Emergency Services Retirement System, Chapter 306, Creditable Service for Members of the Texas Emergency Services Retirement System, Chapter 308, Benefits from the Texas Emergency Services Retirement System, and Chapter 310, Administration of the Texas Emergency Services Retirement System. This review is done pursuant to Texas Government Code §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the Board will assess whether the reasons for initially adopting these rules continue to exist.

Comments on the review may be submitted in writing to Jessica O'Brien, Acting Executive Director for the Texas Emergency Services Retirement System, at 208 E. 10th Street, Suite 309, Austin, Texas 78701 or via email at [rulereview@tesrs.texas.gov](mailto:rulereview@tesrs.texas.gov). The deadline for receiving comments is April 28, 2024. Any proposed changes to these rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption.

TRD-202401221

Jessica O'Brien

Acting Executive Director

Texas Emergency Services Retirement System

Filed: March 19, 2024



Texas Workforce Commission

##### Title 40, Part 20

The Texas Workforce Commission (TWC) files this notice of its intent to review Chapter 800, General Administration, Chapter 802, Integrity of the Texas Workforce System, and Chapter 811, Choices, in accordance with Texas Government Code §2001.039.

TWC will assess whether the reasons for adopting the rules in Chapter 800, Chapter 802, and Chapter 811 continue to exist. Each rule in the chapters will be reviewed to determine whether the rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of TWC.

Comments on the proposed rule reviews may be submitted to [TWCPolicyComments@twc.texas.gov](mailto:TWCPolicyComments@twc.texas.gov) and must be received no later than April 29, 2024.

TRD-202401201

Les Trobman

General Counsel

Texas Workforce Commission

Filed: March 18, 2024



##### Adopted Rule Reviews

Texas Health and Human Services Commission

##### Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code:

Chapter 357, Hearings

Notice of the review of this chapter was published in the January 26, 2024, issue of the *Texas Register* (49 TexReg 423). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 357 in accordance with §2001.039 of the Texas 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 1 TAC Chapter 357 as required by the Texas Government Code §2001.039.

TRD-202401168

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: March 15, 2024



The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 393, Informal Dispute Resolution and Informal Reconsideration

Notice of the review of this chapter was published in the January 26, 2024, issue of the *Texas Register* (49 TexReg 424). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 393 in accordance with §2001.039 of the Texas 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 393. Any amendments or repeals to Chapter 393 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 393 as required by the Texas Government Code §2001.039.

TRD-202401169

Jessica Miller

Director; Rules Coordination Office

Texas Health and Human Services Commission

Filed: March 15, 2024



## State Securities Board

### Title 7, Part 7

Pursuant to the notice of proposed rule review published in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4867), the State Securities Board (Board) has reviewed and considered for readoption, revision, or repeal all sections of the following chapters of Title 7, Part 7, of the Texas Administrative Code, in accordance with Texas Government Code, §2001.039, Agency Review of Existing Rules: Chapter 109, Transactions Exempt from Registration; Chapter 111, Securities Exempt from Registration; and Chapter 139, Exemptions by Rule or Order. The text of these rules may be found in the Texas Administrative Code, Title 7, Part 7 or through the Board's website at [www.ssb.texas.gov/texas-securities-act-board-rules](http://www.ssb.texas.gov/texas-securities-act-board-rules).

The Board considered, among other things, whether the reasons for adoption of these rules continue to exist. After its review, the Board finds that the reasons for adopting these rules continue to exist and readopts these chapters, pursuant to the requirements of the Texas Government Code.

Any revisions to Chapter 109, 111, or Chapter 139 identified by the Board in the rule review will be proposed in a future issue of the *Texas Register*.

No comments were received regarding the readoption of Chapters 109, 111, or 139.

This concludes the review of 7 TAC Chapters 109, 111, and 139.

Issued in Austin, Texas on March 18, 2024.

TRD-202401196

Travis J. Iles

Securities Commissioner

State Securities Board

Filed: March 18, 2024



Pursuant to the notice of proposed rule review published in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7619), the State Securities Board (Board) has reviewed and considered for readoption,

revision, or repeal all sections of the following chapter of Title 7, Part 7, of the Texas Administrative Code, in accordance with Texas Government Code, §2001.039, Agency Review of Existing Rules: Chapter 133, Forms. The text of these rules may be found in the Texas Administrative Code, Title 7, Part 7 or through the Board's website at [www.ssb.texas.gov/texas-securities-act-board-rules](http://www.ssb.texas.gov/texas-securities-act-board-rules).

The Board considered, among other things, whether the reasons for adoption of these rules continue to exist. After its review, the Board finds that the reasons for adopting these rules continue to exist and readopts this chapter pursuant to the requirements of the Texas Government Code.

Any revisions to Chapter 133 identified by the Board in the rule review will be proposed in a future issue of the *Texas Register*.

No comments were received regarding the readoption of Chapter 133.

This concludes the review of 7 TAC Chapter 133.

Issued in Austin, Texas on March 18, 2024.

TRD-202401197

Travis J. Iles

Securities Commissioner

State Securities Board

Filed: March 18, 2024



## Records Management Interagency Coordinating Council

### Title 13, Part 4

The Records Management Interagency Coordinating Council (RMICC) has completed its review of Title 13 Texas Administrative Code, Part 4, Chapter 50, Council Procedures. The council published its Notice of Intent to Review the chapter in the December 8, 2023, issue of the *Texas Register* (48 TexReg 7179). The council received no comments on the proposed rule review.

The council reviewed the following rules: §50.1, Purpose; §50.3, Officers; §50.5, Meetings; §50.7, Committees; §50.9, Staff; and §50.11, Rules.

As a result of the review, the council finds that the reasons for initially adopting the rules continue to exist. Therefore, the council readopts Chapter 50 in its entirety in accordance with the requirements of Government Code, §2001.039.

This concludes the council's review of Chapter 50 as required by Government Code, §2001.039.

TRD-202401205

April Norris

Records Management Interagency Coordinating Council Chair

Records Management Interagency Coordinating Council

Filed: March 18, 2024

